



Town of Arlington Board of Selectmen

Meeting Agenda

March 13, 2017

6:00 PM

Selectmen's Chambers, 2nd Floor, Town Hall

1. Introduction: Newly Appointed Redevelopment Board Member
Eugene Benson (term to expire 1/31/2020)

CONSENT AGENDA

2. Minutes of Meetings: February 27, 2017
3. For Approval: Free Parking Saturday, March 18, 2017, 8:00 a.m. - 3:00 p.m. in the Russell Common Lot and Rail Road Lot (Lamson Way) for Civics Day
Kylee Sullivan, Civics Day Planning Committee
4. Request: Special (One Day) All Alcohol License, 3/25/17 @ Dearborn Academy Gymnasium, 34 Winter Street for Lesley Ellis School Spring Party for Financial Assistance
Jen Hodgdon, Director of Development, Lesley Ellis School
5. Request: Special (One Day) All Alcohol License, 4/8/17 @ Robbins Memorial Town Hall Auditorium for Waldorf School of Lexington Spring Benefit
Susan Krupp, Director of Development, Waldorf School
6. Request: Contractor/Drainlayer License
Feeney Brothers Excavation LLC, 103 Clayton Street, Dorchester, MA

PUBLIC HEARINGS

7. 7:15 p.m. Eversource and Verizon Petition/Gould Road
Richard Schifone, Rights and Permits
(all abutters notified)

APPOINTMENTS

8. Equal Opportunity Advisory Committee
Lori Lennon (term to expire 1/31/2020)

TRAFFIC RULES & ORDERS / OTHER BUSINESS

9. Vote: Approve Committee Scope and Proposed Membership - Surveillance
Adam W. Chapdelaine, Town Manager
10. Vote: Authorize Town Manager to Negotiate Purchase and Sale for 1207 Mass Ave.
Adam W. Chapdelaine, Town Manager

11. Discussion: Future BoS Meetings

WARRANT ARTICLE HEARINGS

Articles for Review:

- Article 11** Bylaw Amendment/Residential Construction, Open Excavation, and Demolition Activity Regulations: Neighbor Notifications and Meetings
- Article 12** Bylaw Amendment/Residential Construction, Open Excavation, and Demolition Activity Regulations: Building Site Maintenance
- Article 13** Bylaw Amendment/Residential Construction, Open Excavation, and Demolition Activity Regulations: Abutter and Public Property Protections
- Article 14** Bylaw Amendment/Residential Construction, Open Excavation, and Demolition Activity Regulations: Noise Abatement
- Article 17** Bylaw Amendment: Regulation of Plastic Bags
- Article 26** Acceptance of Legislation/Establishment of a Parking Benefits District
- Article 29** Endorsement of CDBG Application
- Article 30** Bylaw Amendment/Departmental Revolving Fund Bylaw
- Article 31** Revolving Funds

FINAL VOTES & COMMENTS

Articles for Review:

- Article 15** Bylaw Amendment/Pride Commission
- Article 18** Bylaw Amendment/Appraisals of Town Property Interests
- Article 19** Vote/Appointment of Town Treasurer
- Article 20** Vote/Email Accounts for Members of Public Bodies
- Article 21** Vote/Surveillance Study Group
- Article 22** Acceptance of Legislation/Senior Property Tax Work-Off Program
- Article 23** Acceptance of Legislation/Veteran Property Tax Work-Off Program
- Article 24** Acceptance of Legislation/Elderly and Disabled Taxation Fund
- Article 25** Acceptance of Legislation/CPI Adjustment for Elderly Residents
- Article 59** Resolution/Sanctuary Town
- Article 60** Resolution Supporting State and Federal Legislation that Provides Greater Transparency in Political Donations and Limits the Influence of Money in Politics

CORRESPONDENCE RECEIVED

Community Preservation Committee Presentation to Finance Committee

Clarissa Rowe, Community Preservation Committee Chair

NEW BUSINESS

EXECUTIVE SESSION

Next Scheduled Meeting of BoS March 27, 2017.



Town of Arlington, Massachusetts

Introduction: Newly Appointed Redevelopment Board Member

Summary:

Eugene Benson (term to expire 1/31/2020)

ATTACHMENTS:

Type	File Name	Description
<input checked="" type="checkbox"/> Reference Material	Benson_intro.doc	E. Benson meeting notice

OFFICE OF THE BOARD OF SELECTMEN

DIANE M. MAHON, CHAIR
DANIEL J. DUNN, VICE CHAIR
KEVIN F. GREELEY
STEVEN M. BYRNE
JOSEPH A. CURRO, JR.



730 MASSACHUSETTS AVENUE
TELEPHONE
781-316-3020
781-316-3029 FAX

TOWN OF ARLINGTON
MASSACHUSETTS 02476-4908

February 28, 2017

Eugene Benson
16 Hillsdale Road
Arlington, MA 02476

Re: Appointment: Redevelopment Board

Dear Mr. Benson:

The Board of Selectmen at the meeting of February 6, 2017 approved your appointment to the Redevelopment Board. As you were unable to attend that meeting, the Board requests that you attend their meeting on Monday, March 13, 2017 at 6:00 p.m. in the Town Hall, Selectmen's Chambers, 2nd Floor, 730 Massachusetts Avenue. Your presence will give the Board an opportunity to meet and discuss matters with you about the area of activity in which you will be involved.

We look forward to meeting you.

Very truly yours,
BOARD OF SELECTMEN

Marie A. Krepelka
Board Administrator

MAK:fr



Town of Arlington, Massachusetts

Minutes of Meetings: February 27, 2017

ATTACHMENTS:

Type	File Name	Description
❑ Reference Material	2.27.17_#2.docx	Draft Minutes 2.27.17

TOWN OF ARLINGTON
BOARD OF SELECTMEN
Meeting Minutes
Monday, February 27, 2017
7:15 PM

Present: Mrs. Mahon, Chair, Mr. Dunn, Vice Chair, Mr. Greeley, Mr. Byrne, and Mr. Curro
Also Present: Mr. Chapdelaine, Mr. Heim and Mrs. Sullivan

EMERGENCY ADDENDUM

FOR APPROVAL

1. Vote to Authorize Borrowing – MWRA \$200,000.
Stephen J. Gilligan, Treasurer & Collector of Taxes

Mr. Byrne moved approval of the following vote:

Voted: that the sale of the \$200,000 Sewer Bond of the Town dated March 6, 2017, to the Massachusetts Water Resources Authority (the "Authority"), as recommended by the Town Treasurer, is hereby approved and the Town Treasurer or other appropriate Town official is authorized to execute on behalf of the Town a Loan Agreement and a Financial Assistance Agreement with the Authority with respect to the bond. The bond shall be payable without interest on February 15 of the years and in the principal amounts as follows:

<u>Year</u>	<u>Installment</u>	<u>Year</u>	<u>Installment</u>
2018	\$20,000	2023	\$20,000
2019	20,000	2024	20,000
2020	20,000	2025	20,000
2021	20,000	2026	20,000
2022	20,000	2027	20,000

Further Voted: that each member of the Board of Selectmen, the Town Manager, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificated, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing vote.

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03 (2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the bond were taken in executive session, all in accordance with G.L. c.30A, §§18-25 as amended.

SO VOTED (5-0)

FOR APPROVAL

1. Comcast Cable License Renewal
John Maher, Chair, Cable Advisory Committee
Adam W. Chapdelaine, Town Manager
Douglas W. Heim, Town Counsel

Mr. Chapdelaine summarized the following key points of the agreement:

- Effective Date: October 1, 2016, for a 10-year renewal term.
- Five Percent (5%) of Comcast's Gross Annual Revenues, paid quarterly, for cable-related/PEG Access purposes.
- Cable-Related/PEG Access capital funding totaling \$500,000.00, payable at \$50,000.00 per year.
- Level-playing-field language in the Renewal License but modified by "on the whole".
- Comcast will operate a customer service office in a location reasonably convenient to Arlington Subscribers.
- Comcast provides \$25,000.00 to the Town for decommissioning the I-Net, memorialized in an I-Net Decommission Side-Agreement.
- Senior Citizen Discount Side-Letter.
- No-Interest-on-Annual-Capital-Payments Side-letter.

The Selectmen thanked the Cable Advisory members John Maher, Adam Chapdelaine, Doug Heim and Special Council Epstein for all their hard work.

Mr. Maher, Chair of the Cable Advisory Committee, requested two votes from the Selectmen:

- a) renewal license execution

Mr. Greeley moved approval to execute the Comcast Renewal License. SO VOTED (5-0)

- b) I-net decommission agreement for execution

Mr. Dunn moved approval to execute the I-Net Decommission Agreement. SO VOTED (5-0)

CONSENT AGENDA

2. Minutes of Meetings: February 6, 2017

Mr. Curro moved approval. SO VOTED (4-0-1)
Mr. Greeley abstained.

3. Request: Patriots' Day Committee Events, April 23, 2017

Event Permits Requested for 4/23/17:

- a) 53rd Annual Patriots' Day Fun Run at 8:45 a.m. along Massachusetts Avenue;
- b) Menotomy Reenactment at 12/Noon at the Jason Russell House;
- c) Patriots' Day Parade at 2:00 p.m.

Mr. Bowes of the Patriot's Day Committee requested additionally for the Parade:

- the Board alert, through the media, MBTA commuters of the alternate bus routes; and
- an agenda item on the meeting prior to the Parade date to thank & present plaques to Diamond and Platinum Sponsors.

Mrs. Mahon asked Mr. Chapdelaine to alert the public to the bus route changes and scheduled Mr. Bowes to the April 3rd meeting for presentations.

Mr. Curro moved approval. SO VOTED (5-0)

4. For Approval: Two Sandwich Boards for 'Shoot for the Cure 2017', March 17 - March 25
Jennifer Tripp, President and Jennifer Goodwin, Clerk
Shoot for the Cure Fund
Mr. Dunn moved approval. SO VOTED (5-0)
 5. Request: AHS Ice Cream Fundraiser for Dana-Farber Cancer Institute (DFCI)
Jefferson Cutter House Lawn, May 20, 2017 10:00 a.m.- 6:00 p.m.
Tarangana Thapa, Patrick O'Toole, Jeremiah Jacob Dolan
The AHS Scoops Club
 6. Appointment: Transportation Advisory Committee (associate member to full member)
Michael Gordon (term to expire 12/31/2020)
 7. Reappointments: Board of Registrar of Voters
John L. Worden III (term to expire 3/31/2020)
Adele Kraus (term to expire 3/31/2019)
 8. Request: Special (One Day) Beer & Wine License, 3/10/17 @ Robbins Library for 'Books in Bloom'
Sally Naish and Patsy Kraemer, Books in Bloom Fundraiser Committee
 9. Request: Special (One Day) Beer & Wine License, 3/11/17 @ Robbins Memorial Town Hall for 'Beats for Eats Fundraiser'
Lauren Ledger and Vicki Rose
Arlington EATS Committee
 10. Request: Special (One Day) Alcohol License, 3/18/17 @ Arlington Catholic High School for Quiz Night
Erin Simmons, Development Coordinator ACHS
 11. Appointments of New Election Workers: (1) Mark DeRosa, 15 Cornell Street, U, Pct. 12;
(2) Elizabeth Diggins, 208 Renfrew Street, U, Pct. 12; (3) Lynn Gallagher, 6 Hawthorne Avenue, D, Pct. 18
- Mr. Curro moved approval of the remainder of the consent agenda items. SO VOTED (5-0)

LICENSES & PERMITS

12. Request: Common Victualler License
Classic Café, 1313 Massachusetts Ave., Fatos Qari
Mr. Qari explained that it will mostly remain the same except for the addition of some new food dishes and delivery service.
Mr. Greeley moved approval subject to all conditions set forth. SO VOTED (5-0)

TRAFFIC RULES & ORDERS / OTHER BUSINESS

13. For Approval: Arlington Committee on Tourism and Economic Development

a) Revision of Charter

Ms. Olszewski spoke to the charter revisions:

Charter of the Arlington Committee on Tourism and Economic Development (A-TED) – 2017

Below list summary points of the Charter.

Membership:

The membership of the Committee shall be no more than 13 individuals, appointed by the Board of Selectmen for staggered three-year terms. There shall be 13 positions with the following terms:

1 year: Four (4)

2 years: Four (4)

3 years: Five (5)

Any resident of the Town of Arlington or representative of a business or institution with active operations in the Town shall be eligible for appointment to A-TED. The Committee should include individuals with a range of skills and experience that might benefit its mission.

Duties and Responsibilities include:

1) Maintenance of programming and volunteer staffing

2) Advice to the Board of Selectmen on matters concerning tourism promotion, including -- but not limited to -- presentation of an annual report on Committee activities and occasional warrant articles, as appropriate.

3) Organization and/or coordination of other activities and/or events that are consistent with the Committee mission.

4) Preparation of an annual budget request, in consultation with the Town Manager.

Mr. Curro moved approval.

SO VOTED (5-0)

b) Proposed Visitor Center Programming and Banner

Ms. Olszewski asked permission to hold Diversity Weekends at the Uncle Sam Plaza featuring different ethnic restaurants.

Mr. Byrne moved approval subject to all conditions set forth

SO VOTED (5-0)

14. For Approval: TAC Recommendations on Speed Limit Changes

Jeff Maxtutis, TAC Working Group Lead

Mr. Maxtutis reported that TAC recommends adopting a reduction in statutory speed limit from 30 MPH to 25 MPH on all town-owned roadways within thickly settled or business districts.

Mr. Chapdelaine asked that the Board make the effective date May 1, 2017 in order to make changes and additions to signage and launch a public information campaign.

Mr. Curro moved approval with an effective date of May 1, 2017.

SO VOTED (5-0)

Mr. Byrne thanked Mr. Maxtutis for his work on TAC as a full time member and is glad he will be staying on TAC as an alternate member in the future. The Board also thanked TAC for all their great volunteer work. Mr. Curro stated he would inform the high school drivers' education program of the speed limit changes.

15. Endorsement of Purple Heart Community Designation

Adam W. Chapdelaine, Town Manager

Mr. Chapdelaine requested initial endorsement of the proposal proclaiming Arlington as a Purple Heart Community and designating Massachusetts Avenue as honorary Purple Heart Avenue.

Both the proclamation and sign will come back for approval to a future meeting.

Mr. Byrne moved approval.

SO VOTED (5-0)

16. Request for Board Designee - 1207 Mass Ave Proposal Review

Adam W. Chapdelaine, Town Manager

Mr. Chapdelaine requested a Selectmen designee to be part of the review process on the RFP response for 1207 Massachusetts Avenue. A recommendation will be brought back to the Board for disposition of the property.

Mr. Dunn moved approval to appoint Mr. Greeley as the designee.

SO VOTED (5-0)

17. Vote: Acting Board Administrator and Acting Office Manager

Diane M. Mahon, Chair

Mr. Greeley sends love and best wishes to Marie Krepelka and hopes she is back as soon as possible. He suggested there be a process in place when the Board Administrator is out.

Mr. Greeley moved to set policy going forward that empowers in these situations the Chair to name an Acting Board Administrator (Mary Ann Sullivan) and Acting Office Manager (Fran Reidy); compensation to be worked out with Adam Chapdelaine.

SO VOTED (5-0)

Mr. Byrne requested that the Selectmen Manual be updated to reflect this policy.

Mr. Dunn asked that there be notification to the other Selectmen and the Town Manager.

WARRANT ARTICLE HEARINGS

Articles for Review:

Article 59 Resolution/ Sanctuary Town

Mrs. Mahon welcomed all that came to speak at the warrant hearing regarding the Sanctuary Town Article. She requested people pass on their turn to speak if the point has already been stated due to the number of speakers that signed. Mrs. Mahon explained that the intent was to do good things for good people, not to help bad people who commit unlawful acts.

Mr. Dunn explained this warrant article will be heard and voted at Town Meeting and this is the first main motion which may or may not be changed on Town Meeting floor. He further encouraged everyone to keep a respectful tone during the discussion towards each other. He reminded everyone that all have the right to be heard, but that all are neighbors and that shouldn't be forgotten during the hearing.

Mr. Curro stated that over 100 people attended the AHRC information session yesterday and the warrant hearing/public testimony is tonight.

Attorney Heim further stated that the article proposes to have Arlington join a host of other communities around the country and the Commonwealth in offering some form of protection for undocumented persons within our community from investigation, arrest or detention based solely on their immigration status (as opposed to evidence of some criminal activity).

Broadly identified as "Sanctuary" or "Trust Act" communities, it is important at the outset to note that there is no legal definition in form or substance of "Sanctuary" status. In short, the resolution being proposed by the AHRC proclaims, celebrates, and encourages the existing practices of the Arlington Police Department and other Town First Responders, which decline to gather and disseminate immigration status information in the discharge of their duties or to work with federal immigration authorities to identify, detain, and deport undocumented residents in Arlington. The purposes of these practices are both to: a) reflect the community values of Arlington and respect the dignity and value of immigrants; and b) to engender trust within all facets of our community so that victims of, and witnesses to crimes, and persons in need of aid or assistance can work with Town personnel with confidence for both their benefit and the benefit

of APD's and other Town departments' missions. While the AHRC is continuing to finalize its resolution proposal, a working draft developed in conjunction with this Office is as follows:

Arlington Trust Resolution

WHEREAS, the Town of Arlington seeks to ensure that all immigrants and people of all ethnicities and religions are able to fully participate in the civic and economic life of our Town; and

WHEREAS, the Town of Arlington desires to provide opportunity, access, and equality for all immigrants and people of all ethnicities and religions; and

WHEREAS, the federal government's Immigration and Customs Enforcement ("ICE") Priority Enforcement Program, uses local law enforcement data to identify suspected "criminal aliens" in local custody; and

WHEREAS, ICE issues civil immigration detainer requests which allow for prolonged detention during which ICE investigates the immigration status of suspected "criminal aliens" in local custody; and

WHEREAS, the Arlington Police Department ("APD") has demonstrated its commitment to both the inclusionary values of the Town of Arlington and the efficacy of engendering trust throughout all facets of the Arlington community in the service of all residents without any sacrifice in its ability to protect residents from violent criminals; and

WHEREAS, Town Meeting wishes to voice its support for APD's continuation of its present practices, and make it known that all persons are safe from discriminatory law enforcement in Arlington.

NOW, THEREFORE, BE IT RESOLVED, that Town Meeting joins and supports APD's sound policing and human rights policies of refusing to investigate, arrest, or detain persons based purely on their immigration status without any other suspicion or cause.

BE IT FURTHER RESOLVED, that Town Meeting supports and encourages APD in fostering trust in a diverse community by specifically declining to arrest, detain, or extend the length of custody of an individual solely on the basis of a civil immigration detainer request, unsupported by a criminal warrant signed by a judge and/or probable cause.

BE IT FURTHER RESOLVED, that Town Meeting supports and encourages APD in specifically declining to respond to any ICE notification request seeking information about an individual's incarceration status, length of detention, home address, work address, personal information, hearing information, or pending release.

BE IT FURTHER RESOLVED, that Town Meeting supports and encourages APD in specifically declining to join in any operation led by a federal agency for the sole purpose of identifying and/or detaining persons not accused of any crime for deportation purposes,

which would erode parts of our community's trust and could hamper effective law enforcement.

BE IT FURTHER RESOLVED, that Town Meeting supports and encourages APD, and other Town first responders and officials, in declining to inquire about the citizenship or immigration status of the victim of a crime, a person who is reporting a crime or a medical emergency, a person who requires aid, or witnesses, family members and/or bystanders unless required by valid federal or state law.

BE IT FURTHER RESOLVED, that Town Meeting supports and encourages each Town department and official from refusing to gather or disseminate information regarding the citizenship or immigration status, or the religious or ethnic identity of any person for the purposes ICE detentions and deportation actions or the creation or maintenance of a registry of individuals based upon their religious affiliation, ethnicity, or national origin, unless required by valid federal or state law or directly relevant to business between that individual and the agency or department.

BE IT FURTHER RESOLVED, that nothing in this resolution shall be construed to prohibit any Town agency or department from providing another law enforcement agency information that is required to be provided by state or federal law, including 8 U.S.C. § 1373.

Mr. Leone, Town Meeting Moderator, stated that a resolution is an unenforceable vote – it does not create a bylaw. He announced that this year's Town Meeting process for the Sanctuary Town Resolution will allow ten (10) minutes of talk for each side (pro and con) so that people can prepare for this in advance. Mr. Leone encouraged the Board to continue to hold meetings so that people could work on their thoughts.

Mrs. Mahon advised that people contact their Town Meeting members to give their opinions/comments because they are the political body that votes this resolution.

Mel Goldsipe, 1273 Mass. Ave., AHRC Co-Chair, spoke in support of this article on behalf of the AHRC citing the following reasons:

- Thanked the Selectmen for their unanimous support
- Everyone should be able to feel safe fully participating in Town life; that we support sound community policing practices
- Immigrants have tenacity, ingenuity, and most of all *hope* that with hard work they can build a future for their families here, like generations of immigrants before them. This spirit is essential to Arlington.

The following residents spoke in support of this article:

Elizabeth Heichler/32 Coolidge Road
Brooks Harrelson/27 Ashland Street
Lynette Martyn/18 Eustis Street
David Tresner-Kirsch/8 Orchard Terrace

Irving Kirsch/144 Medford Street
David Halloran/114 Pleasant Street
Thea Paneth/28 Chandler Street
Anna Van Someren/78 Gloucester St.

Deborah Goldsmith/21 Deveraux Street
Rachel Hyde/251 Gray Street
Adam MacNeill/19 Melrose Street
Eli Gerzon/76 Bartlett Avenue
Laura Rotolo/ACLU
Steven Kapiza/86 High Haith Road
Isabella Dray/130 Jason Street
Aram Hollman/12 Whittemore Street
Kelly Sullivan/23 Belknap Street
Otto Mejia/2 Pine Ridge Road
Pamela DiBona/53 River Street
Wendy Bell/136 Mt. Vernon Street
Donna Maurer/15 Jason Street

Jordan Weinstein/23 Lennon Street
Pascale Richalet/114 Pleasant St
Elizabeth Day/130 Jason Street
Unknown Speaker @ 9:00
Unknown Speaker @ 9:12
Beth Soltzberg/303 Gray Street
Jennifer Litowski/76 Oxford Street
Jennifer Laughlan/20 Foster Street
Deb Bermudes/19 Belknap Street
Cathy Pedersen/31 Chandler Street
Elaine Shea/9 Lincoln Street
Wendy Seltzer/176 Pleasant Street

A summary of participant points of support:

- Resolution approval confirms support for immigrants as a community-our neighbors
- There are historical examples of past laws that were changed for the better when they were disobeyed by the public
- Loss of funding is a low risk – decision shouldn't be made on basis of finances
- Sanctuary status makes Arlington a safer community
- No good paths for immigrants to become citizens – they come from dire circumstances
- Want to put up signs for frightened people so they will know about the resolution
- It will build trust in the community
- 8 cities have already accepted Sanctuary status-denying monies would be unconstitutional and the ACLU would support us
- Should welcome everyone-we're not a country that asks for papers
- Shouldn't put a price tag on a moral issue
- Should be a policy for continuity even though the Police are practicing Sanctuary Town right now
- It's a sinister government right now and if we lose \$5 million in funds divided by 42,000 people it's only \$120 per person
- Influence state and federal laws
- Affirm our common humanity
- Question: how do we value educational money loss vs. people who fear such as the immigrants?
- Question: there is a division in the country, the less educated/less fortunate and can understand the fear of federal loss of money-how can we support low income and elderly if we loose money?
- Suggests: using actual terminology of Sanctuary Town is important so that it can be identified
- Suggests: we should prepare a response to people questioning potential loss

The following residents spoke against this article:

Alfred McKenna/6 Gray Street
Eric Glaas/279 Appleton Street
Unknown Speaker @ 9:41
Tim Li/846 Massachusetts Avenue

Christine French/75 Winchester St
John Bass/15 Old Colony Road
Unknown Speaker @ 9:47

A summary of participant points against:

- Risk of a \$5 million loss of aid from the federal government when the Town needs funds - programs and practices are already welcoming and diverse
- This country is based on freedoms and laws-nobody should be above the law
- An uncertain benefit, for an unknown number of people, for an unknown time in the future
- If we open the gates to everyone it will cause problems of taking care of own citizens first
- No clear definition for Sanctuary Town
- Shouldn't take the law into your own hands-need to change laws
- Question: why aren't the Selectmen calling to get laws passed on immigration?
- Question: What message are we sending to our children if we are not going to obey the laws?
- Question: what is the plan to offset \$5 million if we do loose the funds?
- Question: Is this going to be a ballot question for voters to decide?
- Question: what is the urgency of making Sanctuary Town status now? Urge caution to evaluate pros and cons without making quick decision

The following residents spoke offering solutions/suggestions to this article:

Dana Hylad/63 Varnum Street
Jeff Halperin/48 Edmund Road

Jean Fitzmaurice/231 Mass. Ave
Unknown Speaker @ 9:43

A summary of participant points as solutions/suggestions:

- Question: is there any kind of compromise - language change from Sanctuary - it's so very charged right now. Both sides have hearts and appreciate both sides of argument
- Suggest: wording should be changed from "sanctuary" to "safety"

The Selectmen thanked everyone for attending and stated it's very important that the Town makes this statement of support showing pride in our community. They thanked the Police for being here tonight and for already practicing the principles of the "Sanctuary Town" resolution.

Mr. Greeley moved favorable action.

SO VOTED (5-0)

Article 15 Bylaw Amendment/Pride Commission

Ms. Watson/200 Spring Avenue spoke in support of this article:

- extensive discussions were conducted to get to this point
- need to look at how we treat each other
- everyone deserves recognition support and community
- a committee allows supports to be located in one place to help continue growth

Mr. Gardner/11 Menotomy Rock Drive spoke in support of the article:

- necessary to put an entity in place within Government for the LGBTQ+ community
- this is an opportunity for the Town to be a national leader

Ms. Goldsipe/1273 Massachusetts Avenue spoke in support of the article on behalf of the Human Rights Commission citing the following reasons:

- need to offer safety and a culture of respect for all
- need to establish more HRC supports for the community
- proposed the number of committee members should be 5 to 9

Mr. Dunn moved favorable action with the change the committee should consist of seven (7) members.

SO VOTED (5-0)

Article 18 Bylaw Amendment/Appraisals of Town Property Interests

Ms. Reynolds/1 Pond Terrace spoke in support of this article:

- The article would require that, before the sale of any Town owned real estate, including easements or similar rights, the Town have the value of the property estimated by recognized real estate appraisal methods.
- This requirement which is in keeping with state law will allow town officials to follow best practices, fulfill their fiduciary responsibility and have full confidence in the process, proposed terms of sale, and allow the town to be compensated at full value for Town owed assets.

Mr. Ruderman/9 Alton Street spoke in support of this article:

- this article is classic good governance – it would settle questions
- Town Meeting needs objective 3rd party appraisal to clear up questions such as is it a fair price and process of getting to that price.

Attorney Heim explained that this article was inserted by citizen petition with the intention of codifying appraisal procedures for any and all Town real property interests in the Town Bylaws. He summarized that a Town Bylaw codifying independent set of requirements consistent with c. 30B is feasible and could apply appraisal requirements to a very limited set of legal encumbrances that may not already be covered by state law. This would result in limiting the Town Manager's procedural discretion in negotiating a modest number of atypical encumbrances, such as Paper Road rights.

Mr. Greeley moved favorable action.

SO VOTED (5-0)

Mr. Dunn questioned if room for exceptions to not bind the Town Manager's hands could be worked into the comments.

Attorney Heim offered to work with the proponent for Final Votes and Comments language.

Article 19 Vote/Appointment of Town Treasurer

Bill Hayner/19 Putnam Road spoke against this article:

- 6 years ago this discussion started and became a major argument at Town Meeting
- Consider no action and form a study committee

Mr. Byrne pointed out it was studied by a committee and asked how it would be different. Mrs. Mahon stated that after an audit report this was a path that was researched by committee and feels another study committee is unnecessary. She asked that the article include another audit recommendation to include school finances in this consolidation. Mr. Hayner replied as a school committee member that he is vehemently opposed to this recommendation.

Dean Carmen/29 Kilsythe Road spoke against this article:

- Asked for a no vote but for a different reason-he'd like to research restructuring the Treasurer's job. He believes in a consolidated financial approach to Town finances.
- The Treasurer's job is a three part job:
 - 1) Collector of taxes
 - 2) Investment/debt policy
 - 3) Parking clerkHe suggests splitting the job up but the current article doesn't offer this alternative. Mr. Carmen suggests looking at this closer.
- Suggests a part-time treasurer

Mr. Greeley pointed out that the Parking Clerk is appointed by the Selectmen and will have to be again after the Election in April.

Mr. Dunn asked if he sees a consolidated financial/appointed treasurer as a ballot question in 2018 or 2019? Mr. Carmen suggested looking at how best the functions of the three parts of the treasurer's job fits in with Arlington. For instance the Capital Budget Committee makes bond investment recommendations.

Paul Olsen/89 Wright Street spoke against this article:

- Out of three basic options (yes; no; study) he suggests the study committee comprised of private citizens is the best option. He feels it's in the best interest to postpone until a report comes back with recommendations to Town Meeting.

Michael Ruderman/9 Alton Street spoke against this article:

- Recommends no action
- This is a rare opportunity – the 2nd time since 1972 to have a new person as treasurer in present day
- Suggests that a dialogue/cooperation can be achieved with goals with the new treasurer instead of taking the elected office off by way of a ballot question.

Mr. Dunn believes the Town should move to an appointed treasurer model for reasons of competency, efficiency and effective governance. Therefore he disagrees with a no action vote and wants finance functions under the responsibility of the Town Manager. There are still issues and questions that need to be settled but thinks it's ok to move forward faster and go with a 2018 ballot question.

Mrs. Mahon agrees with Mr. Dunn's reasons and agrees with one finance manager reporting to the Town Manager.

Mr. Byrne believes in the need for an appointed treasurer but is interested in looking at duties/coordination of the Town Manager and Treasurer office.

Mr. Curro supports an appointed treasurer model for the Town.

Mr. Chapdelaine stated that the current treasurer job for election in April comprises all three components: collector of taxes, investment/debt policy and parking clerk.

Mr. Carmen stated that the new treasurer's term goes until April 2020.

Mr. Greeley moved favorable action.

SO VOTED (4-1)
Mr. Byrne voted in the negative

Article 20 Vote/Email Accounts for Members of Public Bodies

Mr. Greeley moved no action.

SO VOTED (5-0)

Article 60 Resolution Supporting State and Federal Legislation that Provide Greater Transparency in Political Donations and Limits the Influence of Money in Politics

Elizabeth Kowalski/60 Pleasant Street spoke in support of this article:

- It's a grass root movement known as Represent.Us and the article is a non-binding resolution for anti-corruption starting at the local level and pushing to state then federal levels similar to the Sanctuary Town Resolution heard earlier
- The legislative reforms support The American Anti-Corruption Act that targets removing the corrupting influence of money from our political system
- There are 20 years of data showing that the public/people are not represented by government actions. It shows that the public/people don't impact changes in law but big business/lobbyists do impact changes in the law

Mr. Byrne acknowledged that the resolution was against lobbyists donations to politicians.

Mr. Dunn stated that the Board needs to concentrate on local issues and feels this is not an issue for Town Meeting.

Mr. Curro informed Ms. Kowalski that any resident can be introduced by a Town Meeting member to speak to an article on Town Meeting floor. He also suggested that she contact Sean Garballey, State Representative, to meet with and discuss this resolution.

Attorney Heim explained this proposed resolution was inserted by the citizen petition and is intended to capture Town Meeting's support for anti-corruption legislative political efforts in the Commonwealth. As the Board and Town Meeting know, the resolution, if adopted by Town Meeting is not binding on Town officials.

Mr. Dunn moved no action.

SO VOTED (5-0)

FINAL VOTES & COMMENTS

Articles for Review:

Article 21 Vote/Surveillance Study Group

Article 22 Acceptance of Legislation/Senior Property Tax Work-Off Program

Article 23 Acceptance of Legislation/Veteran Property Tax Work-Off Program

Article 24 Acceptance of Legislation/Elderly and Disabled Taxation Fund

Article 25 Acceptance of Legislation/CPI Adjustment for Elderly Residents

Mr. Greeley moved to table this until the next meeting.

SO VOTED (5-0)

CORRESPONDENCE RECEIVED

ACMI Financial Statement June 30, 2016 and 2015

Auditors' Report - Nardella & Taylor, LLP

Civics Day Participation Invitation

Saturday, March 18, 10:00 a.m. - 2:00 p.m., Town Hall Auditorium

Charlotte Milan, Recycling Coordinator

Mr. Byrne moved receipt of correspondence.

SO VOTED (5-0)

Mr. Greeley moved to adjourn at 11:15 PM

SO VOTED (5-0)

A true record attest:

Mary Ann Sullivan
Selectmen's Office

Next Meeting of BoS March 13, 2017 at 6:00 p.m.

2/27/17

Agenda Item	Documents Used
Emergency Addendum	Vote to Authorize Borrowing S. Gilligan
1	Cable License for Execution License Table of Contents I-Net Decommissioning Agreement Senior Discount Letter Capital Payment Side Letter
2	Draft minutes 2.6.17
3	Request: Patriots' Day Committee Request C. Bongiorno
4	Two Sandwich Boards for 'Shoot for the Cure 2017' Request
5	AHS Ice Cream Fundraiser for Dana-Farber Cancer Institute Request
6	TAC request to appoint M. Gordon
7	Reappointment Request, Board of Registrars of Voters, Worden and Kraus Meeting Notices
8	Special (One Day) Beer & Wine License Application
9	Special (One Day) Beer & Wine License Application
10	Special (One Day) Alcohol License Application
11	Appointment of new Election Workers- Election Workers Master Records
12	Common Victualler License: Classic Café, 1313 Massachusetts Avenue Application, Inspection Reports
13	Arlington Committee on Tourism and Economic Development a) Revision of Charter Proposal b) Visitor Center Programming and Banner Proposal
14	TAC Memo and Recommendations 2.8.17 Speed Limit Regulations Warrant Articles #8, #9; STM 10.19.16
15	Endorsement of Purple Heart Community Designation-Memorandum

16	Request for Board Designee - 1207 Mass Ave Proposal Review
W. A. Hearings	<p>Warrant Article Text #15, 18, 19, 20, 59 and 60</p> <p>Town Counsel Comments W.A. #15,18,19,20,59,60</p> <p>Letter sent to 10 registered voter articles</p> <p>W.A. #15 Comments M. Goldsipe HRC</p> <p>W. A. #18 Comments L. Reynolds</p> <p>W.A. #19 Comments A. Chapdelaine</p> <p>W.A. #19 Comments J. Bilafer</p> <p>W.A. #59 Arl. Trust Resolution Dunn DRAFT</p> <p>W.A. #59 Comments In Favor</p> <p>W.A. #59 Comments Against</p>
Corr. Rec'vd	<p>-Audit Report Nardella & Taylor</p> <p>-Civic Memo C. Milan</p>



Town of Arlington, Massachusetts

For Approval: Free Parking Saturday, March 18, 2017, 8:00 a.m. - 3:00 p.m. in the Russell Common Lot and Rail Road Lot (Lamson Way) for Civics Day

Summary:

Kylee Sullivan, Civics Day Planning Committee

ATTACHMENTS:

Type	File Name	Description
<input type="checkbox"/> Reference Material	Civics_Day_Parking_Request.pdf	Request Letter

Town of Arlington Civics Day Planning Committee



Captain James Curran, APD
Adam Kurowski, IT
Charlotte Milan, DPW
Kylee Sullivan, HHS

Tel: (781) 316-3170

March 8, 2017

Ms. Marie Krepelka
Board of Selectmen
Arlington Town Hall
730 Massachusetts Avenue
Arlington, MA 02476

Dear Ms. Krepelka:

The Civics Day Planning Committee would like to request that the Board of Selectmen approve the following date for free parking in the Russell Common Lot and the Town Parking Lot off of Water Street to help promote Civics Day on

Saturday, March 18, 2017 between the hours of 8:00 AM and 3:00 PM

Civics Day is a new and interactive event that enables residents to engage with local town officials from various departments. The goal of Civics Day is to promote town services and educate residents about the important work that departments perform within the community. Civics Day will take place on Saturday, March 18, 2017 between the hours of 10:00 AM and 2:00 PM. The Civics Day Planning Committee believes that free parking options will help attract more residents to the event.

Please contact me at the Department of Health and Human Services at (781) 316-3170 with any questions you may have regarding this matter. Thank you for your consideration.

Sincerely,

Kylee Sullivan
Civics Day Planning Committee



Town of Arlington, Massachusetts

Request: Special (One Day) All Alcohol License, 3/25/17 @ Dearborn Academy Gymnasium, 34 Winter Street for Lesley Ellis School Spring Party for Financial Assistance

Summary:

Jen Hodgdon, Director of Development, Lesley Ellis School

ATTACHMENTS:

Type	File Name	Description
<input checked="" type="checkbox"/> Reference Material	Lesley_Ellis_special_license.pdf	Special Alcohol License Application

OFFICE OF THE BOARD OF SELECTMEN



TOWN OF ARLINGTON
MASSACHUSETTS 02476-4908

SPECIAL ALCOHOL LICENSE APPLICATION

Name of Applicant: Jeanette Keller / Jen Hodgdon

Address, phone & e-mail contact information: Lesley Ellis School, 41 Foster St.
Arlington, MA 02474, 781-641-5987

Name & address of Organization for which license is sought: Lesley Ellis School /
Schools For Children, Inc.

Does this Organization hold nonprofit status under the IRS Code? Yes No

Name of Responsible Manager of Organization (if different from above):
Ted Wilson

Address, phone & e-mail contact information: 8 Winchester Pl. Suite 202, Winchester, MA 01890

Has the Applicant or Organization applied for and/or been granted a special liquor license this calendar year? No If so, please give date(s) of Special Licenses and/or applications and title of event(s). _____

Is this event an annual or regular event? If so, when was the last time this event was held and at what location?

Annual ; March 19, 2016 same location

24-Hour contact number for Responsible Manager on Event date: _____

Title of Event: Lesley Ellis School Spring Party for Financial Assistance

Date/time of Event: Sat. March 25, 2017 7pm-11pm

Location of Event: Dearborn Academy Gymnasium, 34 Winter St., Arlington

Location/Event Coordinator: Jen Hodgdon

Method(s) of invitation/publicity for Event: Private event for LES parents, staff, alums

Number of people expected to attend: 150

Expected admission/ticket prices: \$20 pp

Expected prices for food and beverages (alcoholic and non-alcoholic): \$5-alcoholic drinks ;
Free - soda + H₂O ; Free - buffet

Will persons under age 21 be on premises? NO

If "yes," please detail plan to prevent access of minors to alcoholic beverages. —

Have you consulted with the Department of Police Services about your security plan for the Event?
in process

OFFICE USE ONLY

For Police Chief, Operations Commander, or designee:

Your signature below indicates that you have discussed this event with the applicant, you have reviewed the applicant's security plan, and any necessary police details have been arranged for the Event.

OFC. Corey P. Rateau Date 3/10/17

OFC. Corey P. Rateau
Printed name/title

POLICE COMMENTS:

Request at least one police detail.
Must state alcohol will be disposed the
following day.

What types of alcoholic beverages do you plan to serve at the Event? (Note: By State Law, all-alcohol Special Licenses are available only to nonprofit organizations.)

Beer, wine, signature drink TBA

What types of food and non-alcoholic beverages do you plan to serve at the Event?
H₂O, coffee, tea, soda, buffet

Who will be responsible for serving alcoholic beverages at the Event?

Danny Kellher 9/10/88 Jeanette Keller 10/22/62
Dan O'Donnell 1/9/90

What training or certification in responsible alcohol service does this person have? Please attach certificate or other proof of training for at least one person who will have responsibility for serving alcoholic beverages at each point of service and who will be present for the entire Event.

Tips certified renew/updated certificates forthcoming

Please list the names and dates of birth for all people who will be responsible for serving alcoholic beverages at the Event. Anyone serving alcoholic beverages must be at least 21 years of age.

Dan Kellyher 9/10/88

Dan O'Donnell 1/9/90

Jeanette Keller 10/22/62

Name of the Massachusetts wholesaler who will deliver to site? (Full supplier list available on the ABCC website: www.mass.gov/abcc) Atlas Liquors

Date of Delivery: March 25, 2017 - A.M.

Alcohol Serving Time (s): 7pm

10:30 pm

How, when, and by whom will excess alcoholic beverages obtained for the Event be disposed of?

Alcohol will be disposed by Jeanette Keller the next day, March 26, 2017

Date of Pick-Up: March 26, 2017

Please provide details (insurance company, type of policy, name of insured, and policy limits) of any relevant insurance coverage for the Event, included but not limited to General Liability and Liquor Liability insurance. (You may be asked to supply a certificate or other proof of adequate insurance coverage.) Forthcoming - updated certificates/renewed

Please submit this completed form and filing fee to the Board of Selectmen at least 21 days before your Event. Failure to provide complete information may delay the processing of your application.

I HAVE READ AND UNDERSTAND ALL RULES AND REGULATIONS:

Signature: Jen Hodgdon

Printed name: Jen Hodgdon

Printed title & Organization name: Dir. of Development, Lesley Ellis School

Email: j.hodgdon@lesleyellis.org

Security Plan for Liquor License Application

We have held this event several times in the past and the general atmosphere of parents and staff in their school community discourages over-indulgence while also encouraging folks to watch out for each other – problems are rare to non-existent. Non-the-less here are the points of our plan.

- Jeanette Keller keeps a general eye on the crowd, and is the go to person if a concern arises. As an administrative staff member (who has been at the school for 29 years) she knows everyone at the event.
- Double doors to the Crosby School Gym (Dearborn Academy) remain open during the entire event.
- Staff working the event is informed of exits and exit signs are clearly visible.
- The school lot provides the majority of the parking necessary, additional parking is on the street.
- The bar will close a half hour before the event ends. And as this is a community event many people stay another half hour to 45 minutes helping to stack chairs etc.

This event is very much a community event – 95% of which are currently parents and staff. We do not expect any under-age participants, Lesley Ellis is a preschool-8th grade school and students are not invited to the event.

Jeanette Keller, whose adult children have served as bartenders for us several times before, manages all food and beverages at the event. She and several other Lesley Ellis staff including Jen Hodgdon, Director of Development and Deanne Benson, Head of School, all have obligations through-out the event and do not drink. Administrative staff that participates provides additional reliable oversight, but is still attending a “work event” including Ted Wilson, President of Schools for Children (the parent organization of Lesley Ellis School). All have a vested interest in maintaining a healthy and safe atmosphere. Jeanette has years of experience managing events and catering experience and have been known to inform the very rare individual who has caused the slightest concern that they need to refrain – as well as insuring that the individual has a safe ride home.

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[Main Menu](#)

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Certificate of Completion

This Certificate of Completion of

eTIPS On Premise 2.0

For coursework completed on March 6, 2014

provided by Health Communications, Inc.

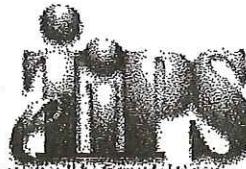
is hereby granted to:

Jeanette Keller

Certification to be sent to:

5 John St

Reading MA, 01867-2719 USA



HEALTH COMMUNICATIONS INC.

This document is not proof of TIPS certification. It signifies only that you have completed the course. Valid certification documents will be forwarded to you.



eTIPS On Premise 2.0 SSN:

XXX-XX-XXXX

Expires:

3/27/2017

Issued:

3/27/2014

ID#:

3688536

D.O.B.:

XX/XX/XXXX

Daniel Francis O'Donnell

26 High St
Somerville, MA 02144-1112

For service visit us online at www.gettips.com



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
2/26/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERNS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Surplus Services Insurance Agency, Inc.
150 Wells Avenue

Newton MA 02459

INSURED
Schools For Children
20 Academy Street
Suite 200
Arlington MA 02174

CONTACT NAME: Tricia Ducey	FAX (A/C No.): (617) 965-1843
PHONE (A/C No. Ext.): (617) 964-5340	
E-MAIL ADDRESS: pducey@telamonins.com	
INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A:Philadelphia Insurance	
INSURER B:	
INSURER C:	
INSURER D:	
INSURER E:	
INSURER F:	

COVERSAGES

CERTIFICATE NUMBER: CL1471715265

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADD'L SUBR INSR LWD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY					EACH OCCURRENCE	\$ 1,000,000
	X COMMERCIAL GENERAL LIABILITY					DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 100,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR					MED EXP (Any one person)	\$ 5,000
						PERSONAL & ADV INJURY	\$ 1,000,000
						GENERAL AGGREGATE	\$ 2,000,000
						PRODUCTS - COMP/OP AGG	\$ 2,000,000
							\$
	GEN'L AGGREGATE LIMIT APPLIES PER:					COMBINED SINGLE LIMIT (Ea accident)	\$
	X POLICY <input type="checkbox"/> PRO- JECT <input type="checkbox"/> LOC					BODILY INJURY (Per person)	\$
						BODILY INJURY (Per accident)	\$
						PROPERTY DAMAGE (Per accident)	\$
							\$
A	AUTOMOBILE LIABILITY					EACH OCCURRENCE	\$ 5,000,000
	ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS	SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				AGGREGATE	\$ 5,000,000
							\$
A	UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR					WC STATUTORY LIMITS	OTHR
	EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE					E.L. EACH ACCIDENT	\$
	<input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTIONS 10,000					E.L. DISEASE - EA EMPLOYER	\$
						E.L. DISEASE - POLICY LIMIT	\$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y/N	N/A					
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input type="checkbox"/>						
	(Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						
A	PROPERTY		PHPK1043341	7/1/2014	7/1/2015		

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Town of Arlington is included as additional insured, with respects to the Lesley Ellis Fundraiser being held at 34 Winter Street - Arlington MA - 3/21/2015.

CERTIFICATE HOLDER

CANCELLATION

Town of Arlington Office of the Town Manager 730 Massachusetts Ave Arlington, MA 02476	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE Michael Susco/RUTHD



Town of Arlington, Massachusetts

Request: Special (One Day) All Alcohol License, 4/8/17 @ Robbins Memorial Town Hall Auditorium for Waldorf School of Lexington Spring Benefit

Summary:

Susan Krupp, Director of Development, Waldorf School

ATTACHMENTS:

Type	File Name	Description
<input checked="" type="checkbox"/> Reference Material	Waldorf_School_special_license.pdf	Special Alcohol License Application

OFFICE OF THE BOARD OF SELECTMEN



TOWN OF ARLINGTON
MASSACHUSETTS 02476-4908

SPECIAL ALCOHOL LICENSE APPLICATION

Name of Applicant:

Susan Krupp/ & Abigail Zimmerman

Address, phone & e-mail contact information:

Waldorf School of Lexington, 739 Mass. Ave., Lexington, Ma. 02421

Name & address of Organization for which license is sought:

as above

Does this Organization hold nonprofit status under the IRS Code? Yes No

Name of Responsible Manager of Organization (if different from above):

Address, phone & e-mail contact information:

Has the Applicant or Organization applied for and/or been granted a special liquor license this calendar year? No If so, please give date(s) of Special Licenses and/or applications and title of event(s).

Is this event an annual or regular event? If so, when was the last time this event was held and at what location?

Yes - May 2016- Arlington Town Hall

24-Hour contact number for Responsible Manager on Event date:

Susan Krupp - s.krupp@thewaldorfschool.org & a.zimmerman@thewaldorfschool.org

Title of Event:

Spring Benefit

Date/time of Event:

Saturday, April 8, 2017. 6:30 pm - 10:30 pm

Location of Event:

Arlington Town Hall

Location/Event Coordinator:

Patsy Kraemer/Vicki Rose

Method(s) of invitation/publicity for Event:

Mailed invitation/school publicity

Number of people expected to attend:

140-150

Expected admission/ticket prices:

\$85 per ticket

Expected prices for food and beverages (alcoholic and non-alcoholic):

\$5 beer, \$7 wine, \$9 mixed drink

Will persons under age 21 be on premises?

NO

If "yes," please detail plan to prevent access of minors to alcoholic beverages.

Have you consulted with the Department of Police Services about your security plan for the Event?

yes

OFFICE USE ONLY

For Police Chief, Operations Commander, or designee:

Your signature below indicates that you have discussed this event with the applicant, you have reviewed the applicant's security plan, and any necessary police details have been arranged for the Event.

Mr. Cory P. Rateau Date 3/10/17
OFC. Cory P. Rateau
Printed name/title

POLICE COMMENTS:

Request at least one detail.

Printed name/title

POLICE COMMENTS:

What types of alcoholic beverages do you plan to serve at the Event? (Note: By State Law, all-alcohol Special Licenses are available only to nonprofit organizations.)

beer/wine/cocktails

What types of food and non-alcoholic beverages do you plan to serve at the Event?

savory tapas, sweets, juices, waters

Who will be responsible for serving alcoholic beverages at the Event?

Beaujolais Catering

What training or certification in responsible alcohol service does this person have? Please attach certificate or other proof of training for at least one person who will have responsibility for serving alcoholic beverages at each point of service and who will be present for the entire Event.

TIPS CERTIFICATION

Please list the names and dates of birth for all people who will be responsible for serving alcoholic beverages at the Event. Anyone serving alcoholic beverages must be at least 21 years of age.

see attached

Name of the Massachusetts wholesaler who will deliver to site? (Full supplier list available on the ABCC website: www.mass.gov/abcc:

Atlas Liquors, Medford

Date of Delivery: Sat. 2/8/2017

Alcohol Serving Time (s): 6:30 pm - 10:30 pm

How, when, and by whom will excess alcoholic beverages obtained for the Event be disposed of?

Atlas will pick up excess alcohol

Date of Pick-Up: Mon April 11, 2017

Please provide details (insurance company, type of policy, name of insured, and policy limits) of any relevant insurance coverage for the Event, included but not limited to General Liability and Liquor Liability insurance. (You may be asked to supply a certificate or other proof of adequate insurance coverage.)

**Please submit this completed form and filing fee to the Board of Selectmen
at least 21 days before your Event. Failure to provide complete
information may delay the processing of your application.**

I HAVE READ AND UNDERSTAND ALL RULES AND REGULATIONS:

Signature: _____

Printed name: Susan Krupp

Printed title & Organization name: Director of Development, Waldorf School of Lexington

Email: s.krupp@thewaldorfschool.org

revised: 5/18/2015

reformatted: 2/25/2016

Signature: _____

This is your Official TIPS® Certification Card.
Carry it with you as evidence of your skills and knowledge in the responsible sale and consumption of alcohol.

Congratulations!

By successfully completing the TIPS® Training for Intervention ProcedureS® program, you have taken your place in the forefront of a nationwide movement to reduce the tragedies resulting from the misuse of alcohol. We value your participation in the TIPS program.

You will help to provide a safer environment for your patrons, peers and/or leagues by using the techniques you have learned and taking a positive approach towards alcohol use.

If you have any information you think would enhance the TIPS program, or can assist you in any way, please contact us at 703-524-1200. Thank you for dedication to the responsible sale and consumption of alcohol.

Sincerely,


Adam F. Chaifetz
President, HCI

For service visit us online at www.gettips.com

IMPORTANT: Keep a copy of this card for your records. Write down your certification number because you will need it when contacting TIPS. For assistance or additional information, contact Health Communications, Inc. by using the information provided on the reverse side of your certificate card. There is a minimal charge for a replacement card if your original card becomes lost, damaged or stolen.

 eTIPS On Premise 2.0	SSN: XXX-XX-XXXX
Issued: 6/6/2015	Expires: 6/6/2018
ID#: 4003613	D.O.B.: XXXXXXXX

Aldarico G de Oliveira
364 Reservoir ave
Revere, MA 02151

Print Main Menu

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Certificate of Completion

This Certificate of Completion of
eTIPS On Premise 2.0
For coursework completed on January 11, 2016
provided by Health Communications, Inc.
is hereby granted to:

Michael Milan

Certification to be sent to:

19 Oak Ter
Malden MA, 02148-1109 USA



HEALTH COMMUNICATIONS INC.

This is a computer generated copy of eTIPS certification. It is your proof that you have completed the course. All eTIPS courses are delivered via the Internet and are self-paced.



ROBBINS MEMORIAL TOWN HALL AUDITORIUM
730 Massachusetts Avenue, Arlington, Ma. 02476

24 February 2017

SECURITY PLAN FOR WALDORF SCHOOL FUNDRAISER/AUCTION

A fundraiser and auction for the Waldorf School of Lexington, Ma. will be held on Saturday, April 8, 2017, in the auditorium at Arlington Town Hall. The event is scheduled for 6:30 pm to 10:30 pm.

A One-Day Permit has been submitted to the Selectmen's Office.

This is the Security Plan.

Tickets will be sold for the event. We anticipate approximately 140-150 people to attend. Only adults who have purchased tickets for the fundraiser will attend this event.

Patsy Kraemer will be the event coordinator for the event. The caterer Beaujolais Catering will provide bartender service. Greg Stathopoulos will be the custodian for the event. A committee of 12 staff and parent members will be responsible for ensuring that the event runs smoothly.

A police detail will be hired for the event (if required) and a fire services detail will be hired for the event. These officers will be available to help with any emergency situations that may arise.

Parking for the event will be available in the Town Hall parking lot, the parking lot at the Central School office building directly behind Town Hall, and on the side streets, as well as Mass. Ave.

Please advise if there are other items that we need to consider.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

4/26/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERNS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	CONTACT NAME: Commercial Lines PHONE: (781) 322-2350 (A/C, No, Ext): E-MAIL: ADDRESS:
Prescott and Son Insurance Agency, Inc. 963 Eastern Avenue	FAX (A/C, No):
Malden MA 02148 INSURED Michelle C Noska, DBA: Beaujolais Catering 9 Chestnut St.	INSURER(S) AFFORDING COVERAGE INSURER A: Peerless Insurance INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:
Wakefield MA 01880	NAIC #

COVERAGES	CERTIFICATE NUMBER: CL154820553	REVISION NUMBER:					
<p>THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.</p>							
INSR LTR	TYPE OF INSURANCE	'ADD'L SUB'R INS'D WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY					EACH OCCURRENCE \$ 1,000,000	
	CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/>		BKS56554619	4/9/2016	4/9/2017	DAMAGE TO RENTED PREMISES (Each occurrence) \$ 100,000	
						MED EXP (Any one person) \$ 15,000	
						PERSONAL & ADV INJURY \$ 1,000,000	
						GENERAL AGGREGATE \$ 2,000,000	
						PRODUCTS - COMP/PROP AGG \$ 2,000,000	
						\$	
						GENL AGGREGATE LIMIT APPLIES PER:	
						POLICY PROJECT LOC	
						OTHER:	
						AUTOMOBILE LIABILITY	
						ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/>	COMBINED SINGLE LIMIT (Each accident) \$
						BODILY INJURY (Per person) \$	
						BODILY INJURY (Per accident) \$	
						PROPERTY DAMAGE (Per accident) \$	
						\$	
						UMBRELLA LIAB <input type="checkbox"/> OCCUR <input checked="" type="checkbox"/> CLAIMS-MADE <input type="checkbox"/>	EACH OCCURRENCE \$
						EXCESS LIAB <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$ <input type="checkbox"/>	AGGREGATE \$
						\$	
						WORKERS COMPENSATION AND EMPLOYERS' LIABILITY <input type="checkbox"/> Y/N <input checked="" type="checkbox"/> OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	PER STATUTE \$
						E.L. EACH ACCIDENT \$	
						E.L. DISEASE - EA EMPLOYEE \$	
						E.L. DISEASE - POLICY LIMIT \$	
A	LIQUOR LIABILITY	BKS56554619	4/9/2016	4/9/2017	EACH OCCURENCE \$ 1,000,000		
						AGGREGATE \$ 2,000,000	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 Certificate Holder named as Additional Insured

CERTIFICATE HOLDER

CANCELLATION

Town Arlington 730 Mass Avenue Arlington, MA 02474	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
AUTHORIZED REPRESENTATIVE J S Scholnick/SJG	



Town of Arlington, Massachusetts

Request: Contractor/Drainlayer License

Summary:

Feeney Brothers Excavation LLC, 103 Clayton Street, Dorchester, MA

ATTACHMENTS:

Type	File Name	Description
<input type="checkbox"/> Reference Material	Feeney_Brothers_Excavation.pdf	Engineering recommendation, Town application, Meeting notice

From: "Wayne Chouinard" <WChouinard@town.arlington.ma.us>
To: "Fran Reidy" <FReidy@town.arlington.ma.us>
Cc: "Joe Szafarowicz" <JSzafarowicz@town.arlington.ma.us>
Date: 02/28/2017 11:07 AM
Subject: Approved Contractor Application

Attached is an application for an Approved Contractor/Drainlayer License, for:

Feeney Bros. Excavation

We are familiar with the contractor and their work quality. They work exclusively for National Grid and the intent of this license will be to allow Feeney Bros. to repair any damages to town utilities and infrastructure caused by the National Grid crews that work in Town. The Engineering Division recommends approval for this license and request you please present this application at the next scheduled Selectmen's Meeting? The application and check have been forwarded to you in the inter-office mail and copies are attached.

Thank you,

Wayne

Wayne A. Chouinard, PE
Town Engineer
Arlington Public Works
51 Grove Street
Office: (781) 316-3320
E-mail: wchouinard@town.arlington.ma.us

Attachments:

File: Feeney Bros..pdf	Size: 102k	Content Type: application/pdf
File: fee check.pdf	Size: 40k	Content Type: application/pdf



TOWN OF ARLINGTON DEPARTMENT OF PUBLIC WORKS

APPLICATION FOR TOWN OF ARLINGTON DPW CONTRACTOR LICENSE

Directions: Please complete ALL fields below and deliver the completed application to the Department of Public Works Engineering Department at 51 Grove Street for Processing and Submission to the Board of Selectmen. Please also include in your submission a \$75.00 application fee in the form of a check payable to the "Town of Arlington". Any questions regarding this application form or procedure should be directed to the Town of Arlington Engineering Department at 781-316-3386.

Scope of Work

Please indicate the scope of work you intend to perform as a DPW Approved Contractor in the Town of Arlington (check all that apply):

Water Sanitary Sewer Stormwater Drainage Sewer/Drain Inspection Driveway Work Curb/Sidewalk Work

Applicant Information

Applicant/Firm Name: Feeney Brothers Excavation LLC

Select One: Corporation Partnership Proprietorship Other: LLC

Street Address: 103 Clayton Street City/Town: Dorchester State: MA

Primary Phone: (617) 287-1004 E-mail: *R.Feeney@feeneybrothers.com*

Length of Time in Business under the same Firm Name: *30 years*

Full Name(s) of Principal(s): BRENDAN FEENEY AND AIDAN FEENEY

Primary Contact Person: RONAN FEENEY

Experience/Previous Work

Nature of Typical/Standard Work: UNDERGROUND UTILITY EXCAVATION

Have you ever performed this type of work in Arlington: Yes No

If Yes, Please provide Location: 4-57 RIDGE ST Approximate Date: 12/02/16

Total Amount of such construction this year: *unknown*

Total Amount of such construction last year: *none*

Total Amount of such construction next previous year:

Municipal References - Please Attach Written Reference Letters

Municipality: TOWN OF BROOKLINE

Primary Contact Name: DEBBIE BAKER Email: dbaker@brooklinema.gov

Municipality: TOWN OF CANTON

Primary Contact Name: MICHAEL RAY Email: mray@town.canton.ma.us

Municipality: TOWN OF BRAINTREE

Primary Contact Name: DEBORAH BJORKMAN Email: dbjorkman@braintreema.gov

Banking/Financial References - Please Attach Written Reference Letters if Available

Bank Reference: Webster Bank NA Phone: 617-717-6860

Federal Tax ID or Social Security #: *Redacted*

Note to Town Staff: Redact Social Security # before releasing document

Your social security number or federal identification number will be furnished to the Massachusetts Department of Revenue to determine whether you have met tax filing or tax payment obligations. Licenses who fail to correct their non-filing or delinquency will be subject to license suspension or revocation. This request is made under the authority of Massachusetts General Law, Chapter 62C, Section 49A.

Signature/Endorsement

By signing below, I certify that under the penalties of perjury that to the best of my knowledge and belief all information on this application is true and correct. I also certify by signature below that I/we have filed all state tax returns and paid all state taxes as required by law. I also hereby agree to conform in all respects to the conditions governing such license as printed in the By-Laws of the Town, and such other rules and regulations as the Selectmen and/or Department of Public Works may establish.

Applicant Signature: *Cld FJ*

Date: *2/27/17*

OFFICE OF THE BOARD OF SELECTMEN

DIANE M. MAHON, CHAIR
DANIEL J. DUNN, VICE CHAIR
KEVIN F. GREELEY
STEVEN M. BYRNE
JOSEPH A. CURRO, JR.



730 MASSACHUSETTS AVENUE
TELEPHONE
781-316-3020
781-316-3029 FAX

TOWN OF ARLINGTON
MASSACHUSETTS 02476-4908

February 28, 2017

Ronan Feeney
Feeney Brothers Excavation
103 Clayton Street
Dorchester, MA 02122

Dear Mr. Feeney:

The Board of Selectmen will be discussing your request for a License to do Drainlaying in the Town of Arlington on Monday, March 13th in the Selectmen's Chambers, Town Hall, 2nd Floor. The meeting begins at 6:00 p.m. It is not a requirement that you attend the meeting.

If you have any questions, please do not hesitate to contact this office.

Very truly yours,
BOARD OF SELECTMEN

Marie A. Krepelka

Marie A. Krepelka
Board Administrator

MAK:fr



Town of Arlington, Massachusetts

7:15 p.m. Eversource and Verizon Petition/Gould Road

Summary:

Richard Schifone, Rights and Permits
(all abutters notified)

ATTACHMENTS:

Type	File Name	Description
□ Reference Material	Arlington_Engineering_GOL_Recommendations_-_Gould_Road_2-13-2017_(2).pdf	Engineering Recommendations
□ Reference Material	Eversource_request.pdf	Eversource Request



Engineering Division

TOWN OF ARLINGTON DEPARTMENT OF PUBLIC WORKS

51 GROVE STREET
ARLINGTON, MA 02476

Phone: 781-316-3320
Fax: 781-316-3281

Type: Grant of Location Recommendations

Date: February 13, 2017

Applicant: Eversource

Site/Project Location: Gould Road

The Engineering Division has reviewed the attached petition by Eversource for consideration of a Grant of Location for the installation of a new hip guy wire as indicated on the submitted Plan of Gould, Rd., Arlington. Upon completion of our review we are submitting the following recommendations and conditions for consideration by the Board of Selectmen should the Grant of Location be approved for this submittal.

Additional Conditions

1. Final location of the proposed hip guy shall be coordinated with the Town of Arlington Engineering Division prior to the start of construction.
2. Please be aware that there is on-site utility infrastructure, including but not limited to a fire hydrant (located in front of #34 Gould Road), that is not shown on the Plan and will be encountered in the field. It is the sole responsibility of the contractor to ensure that any existing utilities located within the limits of this work be properly marked and protected during construction activities. If a conflict occurs between the proposed hip guy installation and existing Town-Owned utility infrastructure, the Town Engineer shall be contacted directly to discuss an appropriate resolution. It will be the responsibility of Eversource to pay for any damages or repairs that should occur to existing utility infrastructure.
3. The proposed hip guy installation shall be located/installed so as not to impede future roadway and sidewalk improvements (i.e. curb adjustment, guardrail installation, water and sewer rehabilitation etc.). and where possible shall be located in the nearest proximity as possible with other Eversource infrastructure.
4. The installation of the hip guy will require additional permitting (i.e. a Street Occupancy Permit) through the Town of Arlington Engineering Division prior to the start of construction. The installation may also require additional permitting through other governmental entities, including but not limited to the Town of Arlington Conservation Commission. Eversource shall obtain all necessary permits and complete the work in accordance with all local, State, and Federal regulations.
5. All disturbances to curbing, grass strips, sidewalk, walkways, and roadway surfaces should be repaired in kind and to the satisfaction of the Town of Arlington Engineering Division. If any existing sidewalk is proposed to be removed, it shall be removed and replaced in full-width and in accordance with all current ADA, AAB, & Town of Arlington Standards/Regulations.
6. Any work that will impact the existing tree in front of #34 Gould Road, including removal of the existing tree guy, shall be coordinated with the Town of Arlington Tree Warden and be completed in accordance with Town of Arlington regulations.
7. During construction, uninterrupted pedestrian access (or temporary pedestrian facilities) shall be provided at all times.
8. All work within the right of way shall require the contractor to schedule and coordinate a police traffic detail. Traffic control and safety measures shall be instituted in adherence to applicable OSHA requirements, Massachusetts DOT Work Zone Safety Guidelines and Part VI of the Manual on Uniform Traffic Control Devices. A pre-construction meeting is recommended to coordinate with other on-going projects in Town.

9. All material (if needed) stockpiled on roadways and/or roadway shoulders shall be protected with erosion control devices, such as silt fence and/or straw waddles. Silt sacks should also be provided in any nearby catch basins. Removal of any sediment that enters the Town drainage system as a result of this work will be the sole responsibility of the contractor.
10. Equipment, staging, and stockpiles shall not be located or stored so as to interfere with intersection sight lines. The Town prefers that all materials & equipment be located no closer than 50' to an intersection where practical.

EVERSOURCE
101 Linwood Street
Somerville, MA 02143

RECEIVED
SELECTMEN'S OFFICE
ARLINGTON, MA 02476

2017 FEB -2 AM 8:26

January 25, 2017

Board of Selectmen
Town Hall
Arlington, MA 02476

RE: 34 Gould Road
Arlington, MA 02476
W.O. #2188160

Dear Members of the Board:

The NSTAR Electric Company d/b/a Eversource Energy respectfully requests a Grant of Location for the installation of one hip guy in Gould Road.

This work is necessary to support pole 980/5, Gould Road, Arlington.

If you have any questions or concerns, please call Jacqueline Duffy at 617-629-3204.

Very truly yours,



Richard M. Schifone, Supervisor
Rights and Permits

RMS/cf

PETITION OF NSTAR ELECTRIC COMPANY AND OTHER COMPANIES FOR ALTERATION OF
JOINT OR IDENTICAL LOCATIONS FOR EXISTING POLES

To the Board of Selectmen of the Town of Arlington, Massachusetts:

Respectfully represent NSTAR ELECTRIC COMPANY, d/b/a EVERSOURCE ENERGY AND
VERIZON NEW ENGLAND INC., companies subject to Chapter 166 of the General Laws (Ter. Ed.), that they
have heretofore received a grant of joint or identical location for, and have erected or constructed, a line
consisting of wires, poles and such other fixtures as may be necessary to sustain or protect the wires of the line,
upon, along and across the public way or ways hereinafter specified, and that it is desirable that the location of
certain of said poles be altered.

WHEREFORE, your petitioners pray that the Board of Selectmen
May by Order direct an alteration in the location of said existing poles so that hereafter said poles together with
such other fixtures as may be necessary to sustain or protect the wires of the line shall be located, substantially as
shown on the plan made by Anthony DeBenedictis dated January 23, 2017 and filed herewith, upon, along and
across the following public way or ways of said Town:

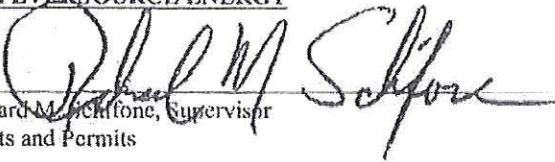
**Gould Road – Northeasterly side at pole 980/5 approximately 190 feet southeast
of Deveroux Street install one (1) hip guy/anchor.**

W. O. #2188160

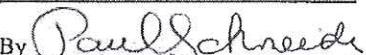
Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting
public ways for the purpose of making connections with such poles and buildings as each of said petitioners may
desire for distributing purposes.

Your petitioners agree to reserve space for one crossarm at a suitable point upon each of said poles for
the telephone, fire and police signal wires owned by the Town and used for municipal purposes.

NSTAR ELECTRIC COMPANY
d/b/a EVERSOURCE ENERGY

By 
Richard M. Schifone, Supervisor
Rights and Permits

VERIZON NEW ENGLAND INC.

By 
Paul Schneide
ROW MANAGER

Dated this 25th day of January, 2017

Town of Arlington, Massachusetts

Received and filed _____ 2017

Board of Selectmen

**ORDER FOR ALTERATION OF JOINT OR IDENTICAL LOCATIONS
FOR EXISTING POLES**

Town of **Arlington**, Massachusetts,

January 25, 2017

WHEREAS, NSTAR ELECTRIC COMPANY, d/b/a EVERSOURCE ENERGY and VERIZON NEW ENGLAND INC., have heretofore been granted a joint or identical location for, and have erected or constructed, a line consisting of wires, poles and such other fixtures as may be necessary to sustain or protect the wires of the line upon, along and across the public way or ways thereafter specified, and have petitioned for an alteration in the location of certain said poles.

It is DIRECTED that the location heretofore granted for said poles be altered so that thereafter said poles shall be located, substantially as shown on the plan on file with said petition for alteration in the location, upon, along and across the following public way or ways of said Town:

**Gould Road – Northeasterly side at pole 980/5 approximately 190 feet southeast
of Deveroux Street install one (1) hip guy/anchor.**

W. O. #2188160

Also that permission be and hereby is granted to each of said companies to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each may desire for distributing purposes.

All construction work under this Order shall be in accordance with the following conditions:
Poles shall be of sound timber and located as shown on a plan made by **A. DeBenedictis** dated **January 23, 2017** on file with said petition. There may be attached to said poles by said **NSTAR ELECTRIC COMPANY, d/b/a EVERSOURCE ENERGY** and by said **VERIZON NEW ENGLAND INC.**, wires and cables necessary for the conduct of their business. All such wires and cables shall be placed at a height of not less than twenty from the ground.

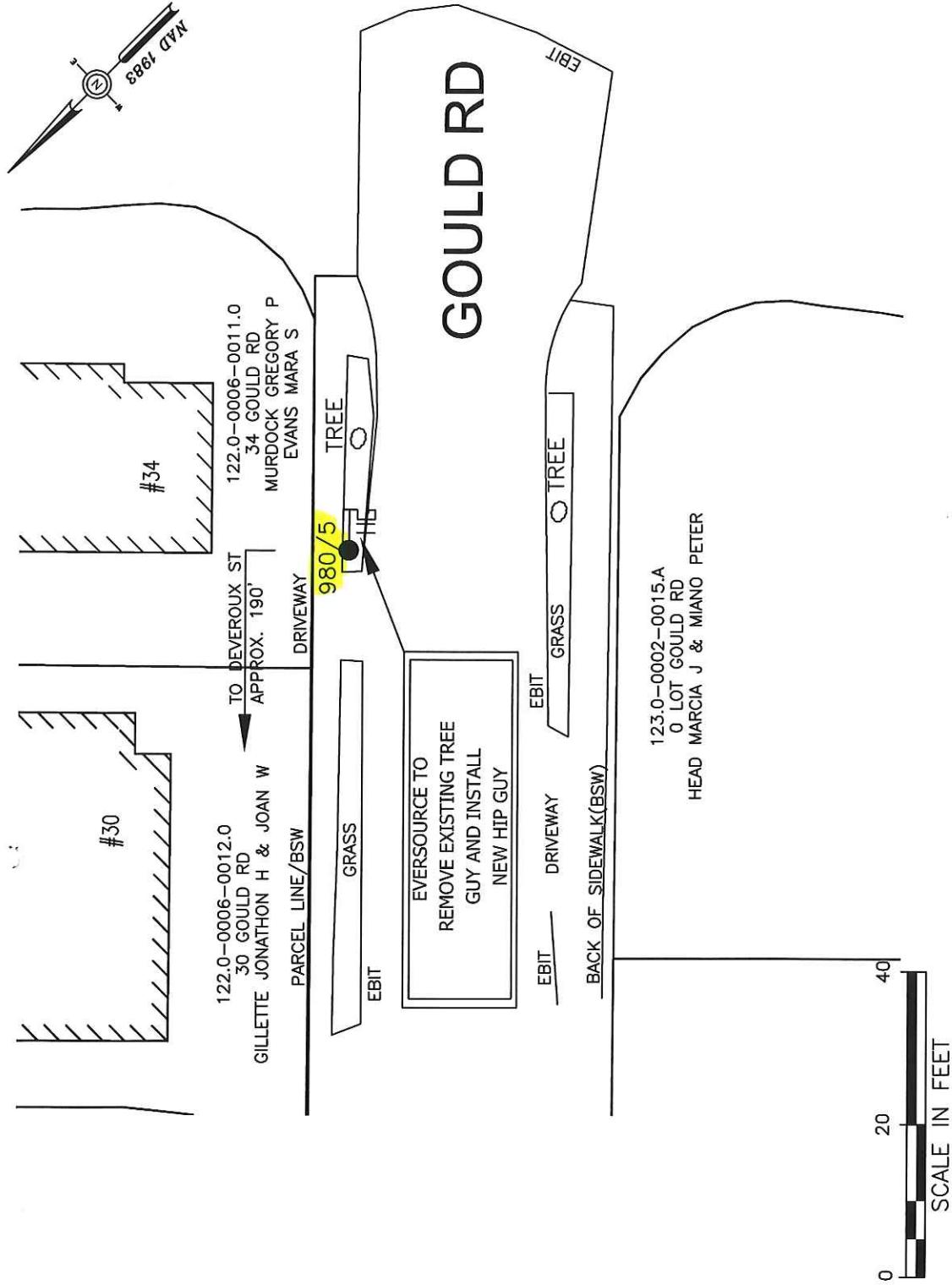
Board of Selectman

**Town of
Arlington**

CERTIFICATE

I hereby certify that the foregoing is a true copy of the Order of the **Board of Selectman** of the Town of **Arlington**, Massachusetts, duly adopted on the _____ day of _____ 2017, and recorded with the records of location Orders of said Town. Book _____ Page _____.

Attest:
Clerk of Town of **Arlington**, Massachusetts



INSTAR EVERSOURCE <small>ELECTRIC d/b/a 116 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125</small>	
Proposed pole locations shown thus <input checked="" type="radio"/>	C#
Pole locations to be abandoned, shown thus <input type="radio"/>	Ward #
Proposed Anchor Guy shown thus <input type="radio"/>	Work Order # 2188160
Proposed Hip Guy shown thus <input type="radio"/>	Surveyed by: GC/JF
Proposed Underground location shown thus <input type="radio"/>	Research by: SC
Proposed Push Brace shown thus <input checked="" type="radio"/>	Plotted by: JF
Existing Pole location shown thus <input checked="" type="radio"/>	Proposed Structures: JF
	Approved: A DEBENEDICTIS
	Scale 1"=20'
	Date JANUARY 23, 2017
	SHEET 1 of 1

BY YOUR USE OF THE INFORMATION CONTAINED IN THIS MAP, YOU AGREE THAT NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, IS GIVEN WITH RESPECT TO THE INFORMATION. NEITHER INSTAR ELECTRIC COMPANY, INSTAR GAS COMPANY NOR ITS PARENTS, AFFILIATES, OFFICERS, DIRECTORS, SHAREHOLDERS, EMPLOYEES OR AGENTS (COLLECTIVELY, THE "INSTAR ENTITIES") SHALL BE LIABLE FOR ANY LOSS OR INJURY CAUSED IN WHOLE OR IN PART BY USE OF THIS INFORMATION, OR IN RELIANCE UPON IT, TO THE MAXIMUM EXTENT ALLOWED BY LAW. YOU AGREE BY YOUR ACCEPTANCE OF THE INFORMATION TO RELEASE, INDEMNIFY AND HOLD THE INSTAR ENTITIES HARMLESS FROM ANY SUCH LOSS OR INJURY.

THE INFORMATION MAY NOT REPRESENT A SURVEY, MAY NOT BE THE MOST COMPLETE AND SUBJECT TO CHANGE WITHOUT NOTICE. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE INFORMATION, EITHER EXPRESSED OR IMPLIED. UNAUTHORIZED ATTEMPTS TO MODIFY THE INFORMATION OR USE THE INFORMATION FOR OTHER THAN ITS INTENDED PURPOSES ARE PROHIBITED.

OFFICE OF THE BOARD OF SELECTMEN

DIANE M. MAHON, CHAIR
DANIEL J. DUNN., VICE CHAIR
KEVIN F. GREELEY
STEVEN M. BYRNE
JOSEPH A. CURRO, JR.



730 MASSACHUSETTS AVENUE
TELEPHONE
781-316-3020
781-316-3029 FAX

TOWN OF ARLINGTON MASSACHUSETTS 02476-4908

February 23, 2017

Richard M. Schifone, Supervisor
Rights and Permits
Eversource
101 Linwood Street
Somerville, MA 02143

Re: Gould Road, W.O. #2188160

Dear Mr. Schifone:

A Public Hearing has been scheduled in conjunction with the above-captioned matter on Monday, March 13th, 7:15 p.m., Selectmen's Chambers, Town Hall, 730 Massachusetts Avenue, Arlington.

The abutters have been notified. Please call our office to confirm the date and time with either Mary Ann or Fran.

Thank you.

Very truly yours,
BOARD OF SELECTMEN

Marie A. Krepelka
Marie A. Krepelka
Board Administrator

MAK:fr

34 GOULD RD 22.0-6-11.0
MURDOCK GREGORY P 30 GOULD RD 22.0-6-12.0
EVANS MARA S GILLETTE JONATHON H
34 GOULD RD GILLETTE JOAN W
ARLINGTON, MA 02476 30 GOULD ROAD
ARLINGTON, MA 02476

LOT--- GOULD RD 23.0-2-15.A
HEAD MARCIA J
MIANO PETER
25 GOULD ROAD
ARLINGTON, MA 02476

I hereby certify that this list
has been prepared in accordance with
Chapter 40A, Sec 11 of MGL.

Renee Freely 2/6/2017
Board of Assessors
Robert E. Greeley
Date

NOTICE TO ABUTTERS

February 23, 2017

Dear Abutter:

You are hereby notified that a public hearing will be held at the **Office of the Board of Selectmen, Town Hall, 730 Massachusetts Avenue, Arlington, Massachusetts**, on the **13th of March at 7:15 p.m.** upon the Petition of **NStar Electric Company d/b/a Eversource Energy and Verizon New England Inc.** that they have heretofore received a grant of joint or identical location for, and have erected or constructed, a line consisting of wires, poles and such other fixtures as may be necessary to sustain or protect the wires of the line, upon, along and across the public way or ways hereinafter specified, and that it is desirable that the location of certain of said poles be altered. Permission is requested to alter the location of existing poles so that hereafter said poles together with such other fixtures as may be necessary to sustain or protect the wires of the line shall be located, substantially as shown the plan made by A. DeBenedictis, dated January 23, 2017 and filed herewith, upon, along and across the following public way or ways of said Town:

W.O. #2188160

Gould Road: **Northeasterly side at pole 980/5 approximately 190 feet southeast of Devereaux Street install one (1) hip guy/anchor.**

Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each may desire for distributing purposes.

By: Marie A. Krupka Jr.
Board Administrator



Town of Arlington, Massachusetts

Equal Opportunity Advisory Committee

Summary:

Lori Lennon (term to expire 1/31/2020)

ATTACHMENTS:

Type	File Name	Description
<input checked="" type="checkbox"/> Reference Material	Lennon_appointment.pdf	Town Manager recommendation, L. Lennon letter and resume, Meeting notice

RECEIVED
SELECTMEN'S OFFICE
ARLINGTON, MA 02476

2017 FEB 23 AM 10: 29



Town of Arlington
Office of the Town Manager

Adam W. Chapdelaine
Town Manager

730 Massachusetts Avenue
Arlington MA 02476-4908
Phone (781) 316-3010
Fax (781) 316-3019
E-mail: achapdelaine@town.arlington.ma.us

MEMORANDUM

DATE: February 22, 2017

TO: Board Members

SUBJECT: Appointment to the Equal Opportunity Committee

This memo is to request the Board's approval of my appointment of Lori Lennon, 147 Palmer Street, Arlington, MA 02474, to the Equal Opportunity Committee, with a term expiration date of 1/31/2020.

Adam Chapdelaine
Town Manager

-----Original Message-----

From: Lori Lennon <lorilennon@gmail.com>
To: achapdelaine@town.arlington.ma.us
Date: Thu, 2 Feb 2017 15:34:33 -0500
Subject: Equal Opportunity Advisory Committee

Dear Mr. Chapdelaine,

My name is Lori Lennon, and I would like to formally submit my resume for an official seat on Arlington's Equal Opportunity Advisory Committee.

It would be an honor to sit on a committee that is dedicated to creating and promoting equal opportunities for everyone in the community, regardless of race, religion, or gender.

Over the past few meetings, I've witnessed the group's dedication to promoting equality, and I would like to be a part of that discussion. I have ideas and input on ways to further diversify town positions, and as a member of the Equal Opportunity Advisory Committee, I would work diligently and collaboratively to effect change.

I've attached my resume for your review.

Thank you for your consideration.

Sincerely,

Lori Lennon
lorilennon@gmail.com



LORI LENN

Communications and Marketing

Communications leader skilled in areas such as storytelling, brand building, internal and advancement communications, media relations, strategic planning, digital marketing and communications, editing and proofreading, content development, management, and team building.

Work Experience

1.11-present **Northeastern University**

Boston, MA

Communications Coordinator/Senior Writer

Preparation, management, and editorial oversight of writing, graphic design, and print communication projects for the College of Science at Northeastern University. This includes providing consultation, guidance, written materials, and strategic guidance on the production of marketing and promotional materials for advancement and academic initiatives.

- **Digital Marketing and Communications:** Act as project manager for the creation of new websites within the college. Provide strategic direction for the use of web-based communications and technologies for college events, programs, and outreach. Develop social media strategies for the College of Science.
- **Marketing and Communications Consultant:** Serve as a marketing and communications consultant to departments and programs within the college. Act as College of Science liaison for the university's Office of Marketing and Communications.
- **Strategic Planning:** Develop strategic plans for the future of communications in the College of Science. Create budgets and proposals for communications and Dean's office projects. Develop and maintain templates, policies, and procedures for print and online communications for the College of Science.
- **Content Development:** Identify ideas, research, and write engaging features and profiles for the College of Science.
- **Public Relations:** Identify faculty to comment on timely science and research stories for external media outlets. Create press releases and media advisories for distribution.
- **PhD and Graduate Programs:** Develop marketing and communications strategies for Northeastern College of Science PhD and graduate programs, including email communications, brochures, Google Adwords, and the development and management of online ad campaigns.
- **Admissions Recruitment:** Collaborate with admissions to develop effective messaging/communications during yield season. These communications include live webcasts, engaging email messages, and recruitment videos for the College of Science.
- **Network Building:** Create a strong network of faculty and staff members, working with each of them on projects to enhance their unit's visibility on campus and among their peers. Establish and maintain connections and information pipelines with the departments, programs, and centers within the college and beyond.
- **Promotional Materials:** Create appealing promotional materials for College of Science events, including lectures, conferences, and colloquiums. Provide editorial feedback and guidance on newsletters, postcards, PowerPoint presentations, posters, advancement brochures, and other forms of strategic marketing collateral. Develop presentations and college-based appeals for the College of Science Dean.

9.05-1.11

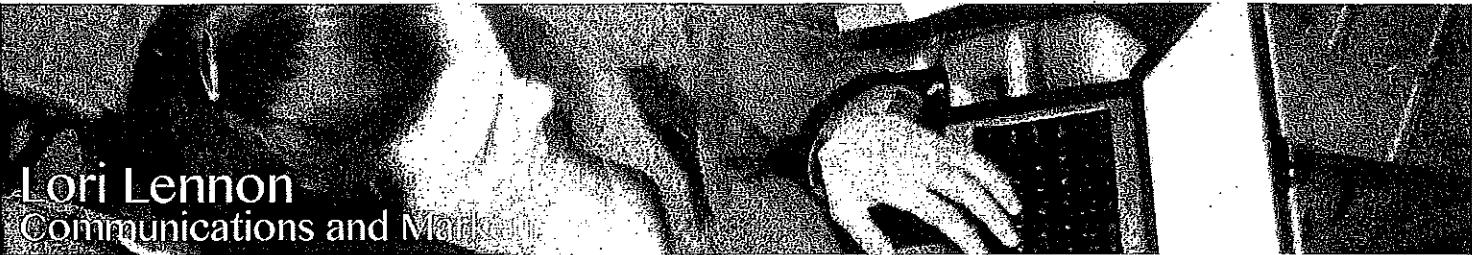
CBS Boston

Web Producer

Brighton, MA

Overall Web producing responsibilities included writing, editing, and researching news stories, handling live webcasts and press conferences for the station's award-winning website, CBSBoston.com.

- **Content Development:** Delivered breaking and immediate news by working with news reporters, editors, and producers to develop relevant and timely content for the website while confirming and researching facts. Created content and features exclusively for CBSBoston.com. Worked directly with news producers to discuss how CBSBoston.com could be incorporated during newscasts. Used social media to alert, update, and communicate with followers about news, and to find out the issues and topics people are interested in.
- **News Judgment:** Experienced in making confident editorial and breaking news decisions while relying on sound news judgment for story selection.



Lori Lennon

Communications and Marketing

Work Experience

- **Network Development:** Identified and connected with bloggers from all different genres to enhance the features offered on CBSBoston.com.
- **Major News Events:** Contributed to a collaborative effort covering major events such as the Boston Marathon, political elections, and the Super Bowl.
- **Multimedia Development:** Adapted TV material for the web, optimized video, and imagery.
- **Awards:** 2005, 2007 Edward R. Murrow Award for Best Broadcast Affiliated Web Site for a Large Market (regional); 2006, 2007, 2008 AP Award for Best TV/Media Web site in Mass. And Rhode Island

9.04-8.05 **New England Cable News** Needham, MA

Web Producer

- Recorded newscasts, edited video, and created text for stories on NECN.com.
- Wrote accurate and up-to-date information for NECN's news ticker.
- Developed and posted weekly newsletters on the website for NECN's "TV Diner."

Freelance Producer NECN's Boston Globe segments

- Prepared stories and booked guests for shows.
- Wrote teases for the NECN section of the next day's paper.
- Prepared guests for live newscasts.

Freelance Production Assistant

- Helped producers with newsgathering, prepared, and wrote newscasts.

1.04-9.04 **New England Cable News** Needham, MA
Intern

- Assisted in the marketing of NECN's TV Diner.
- Responded to emails from TV Diner viewers.
- Assisted with production of TV Diner and other newscasts.
- Shadowed reporters.
- Learned how to collect information, conduct interviews and pull together news stories on deadline.

1.02-7.03 **Challenge & Fun, Inc.** Ashland, MA
Sales and Marketing Representative

- Sole sales representative for eastern Massachusetts.
- Solicited meetings and presented the company product line to teachers and directors at schools and daycare centers.
- Responsible for all aspects of display booths and inventory for trade shows and conventions.
- Created, wrote, and co-edited corporate newsletter.
- Traveled to Germany with the company to learn about products and how to better sell them.

Education

9.04 **Northeastern University** Boston, MA
School of Journalism, BA

Professional Skills

- | | |
|---|--|
| <ul style="list-style-type: none">• Avid• HTML• Illustrator• InDesign• iNews• Microsoft Excel• Microsoft Word | <ul style="list-style-type: none">• Pinnacle Studio• Photoshop• PowerPoint• Prezi• Content development for blogs• Experience with multiple CMS tools, including Wordpress and Cascade |
|---|--|

OFFICE OF THE BOARD OF SELECTMEN

DIANE M. MAHON, CHAIR
DANIEL J. DUNN, VICE CHAIR
KEVIN F. GREELEY
STEVEN M. BYRNE
JOSEPH A. CURRO, JR.



730 MASSACHUSETTS AVENUE
TELEPHONE
781-316-3020
781-316-3029 FAX

TOWN OF ARLINGTON
MASSACHUSETTS 02476-4908

February 24, 2017

Lori Lennon
147 Palmer Street
Arlington, MA 02474

Re: Appointment: Equal Opportunity Advisory Committee

Dear Ms. Lennon:

As a matter of the standard appointment procedure, the Board of Selectmen requests that you attend a meeting of the Board of Selectmen at Town Hall, Selectmen's Chambers, 2nd Floor, 730 Massachusetts Avenue, on Monday, March 13th at 6:00 p.m. **It is important to note that the meeting will begin with Warrant Article Hearings at 6:00p.m.**

It is a requirement of the Board of Selectmen that you be present at this meeting. Your presence will give the Board an opportunity to meet and discuss matters with you about the area of activity in which you will be involved.

Please contact this office to confirm the date and time with either Mary Ann or Fran at the above number.

Thank you.

Very truly yours,
BOARD OF SELECTMEN

Marie A. Krepelka

Marie A. Krepelka
Board Administrator

MAK:fr



Town of Arlington, Massachusetts

Vote: Approve Committee Scope and Proposed Membership - Surveillance

Summary:

Adam W. Chapdelaine, Town Manager

ATTACHMENTS:

Type	File Name	Description
<input checked="" type="checkbox"/> Reference Material	Surveill_Comm_Memo.pdf	Town Manager Memorandum to Board



**Town of Arlington
Office of the Town Manager**

Adam W. Chapdelaine
Town Manager

730 Massachusetts Avenue
Arlington MA 02476-4908
Phone (781) 316-3010
Fax (781) 316-3019
E-mail: achapdelaine@town.arlington.ma.us
Website: www.arlingtonma.gov

To: Members of the Board of Selectmen

From: Adam Chapdelaine, Town Manager

RE: Surveillance Study Committee Proposed Scope and Committee Makeup

Date: March 10, 2017

In response to the Board's request to form a Surveillance Study Committee in lieu of taking action under warrant article 21, I am writing to propose the following committee scope and membership. This proposal has been drafted in consultation with Warrant Article 21's lead proponent.

Proposed Scope

The Surveillance Study Committee will be tasked with reviewing existing use of surveillance technology (audio, video, and other) across Town departments. This review will include both indoor and outdoor uses. It also proposed that the committee review the use of surveillance technology by the Arlington Housing Authority, with the understanding that the Town does not have jurisdiction over this agency. The overall review will include an inventory of existing technology deployment, a review of any existing policies regarding use of this technology, and a review of the value of surveillance data as either evidence or as a crime deterrent. After performing this review, the committee will consider making recommendations to the Board of Selectmen regarding any necessary policies.

Proposed Membership

Town Counsel

Chief Technology Officer or designee

Police Chief or designee

Facilities Director or designee

Representative of Human Rights Commission

Three (3) Town residents (recommended by Town Manager, approved by Board of Selectmen)



Town of Arlington, Massachusetts

Vote: Authorize Town Manager to Negotiate Purchase and Sale for 1207 Mass Ave.

Summary:

Adam W. Chapdelaine, Town Manager

ATTACHMENTS:

Type	File Name	Description
<input type="checkbox"/> Reference Material	1207MassAve_P_S_Auth_Memo.pdf	Town Counsel Memorandum to Board
<input type="checkbox"/> Reference Material	1207_Mass_Ave_RFP.pdf	Request for Proposals
<input type="checkbox"/> Reference Material	1207_Mass_Ave_Bid.pdf	Bid



**Town of Arlington
Office of the Town Manager**

Adam W. Chapdelaine
Town Manager

730 Massachusetts Avenue
Arlington MA 02476-4908
Phone (781) 316-3010
Fax (781) 316-3019
E-mail: achapdelaine@town.arlington.ma.us
Website: www.arlingtonma.gov

To: Members of the Board of Selectmen

From: Adam Chapdelaine, Town Manager

RE: 1207 Massachusetts Avenue – Request for Authorization to Award Bid and Negotiate Purchase and Sale Agreement

Date: March 10, 2017

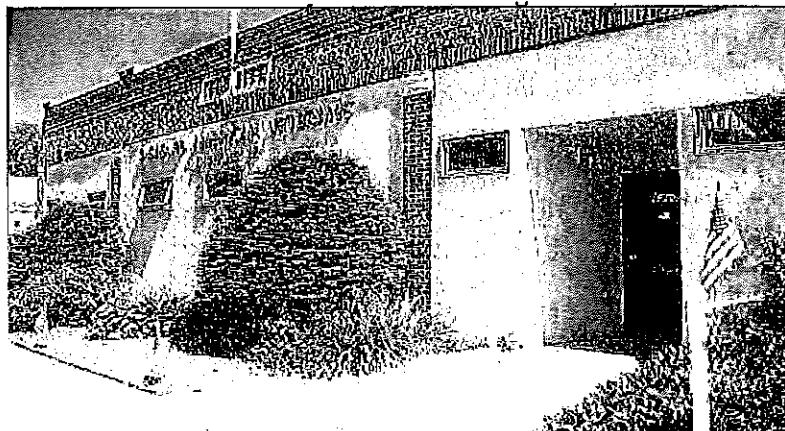
The Board has received one response (attached to this agenda item) to the RFP issued seeking proposals to purchase the property located at 1207 Massachusetts Avenue. The proposal has been analyzed by Town Counsel, the Director of Planning & Community Development, and the Town Manager's Office and we all agree that the proposal meets all the minimum criteria as set forth in the RFP. Going further, the Town Manager, and Selectmen Kevin Greeley have scored the proposal in conformance with the process as described in the RFP. Both parties gave the proposal 15 out of a total of 18 possible points.

Based on this, it is my recommendation that the Board accept the bid of James F. Doherty, of 1211 Massachusetts Avenue Realty Trust, subject to the successful negotiation of a purchase and sale agreement and in conformance with the conditions as established in the RFP. I further request that the Board authorize the Town Manager to enter into negotiations with Mr. Doherty, with the aim of bringing a final purchase and sale agreement before the Board at a future meeting.

I look forward to discussing this matter with you on Monday night.

1207 MASSACHUSETTS AVENUE REQUEST FOR PROPOSALS

RFP No. 16-52



**1207 Massachusetts Avenue
Arlington, Massachusetts**

Town of Arlington, Massachusetts
Office of the Town Manager
730 Massachusetts Avenue
Arlington, Massachusetts 02476
781-316-3010

REQUEST FOR PROPOSALS
For the Disposition of Town-Owned Real Estate

1207 MASSACHUSETTS AVENUE
ARLINTON, MA

RFP No. 16-52

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FORMS:

- Disclosure of Beneficial Interests Statement
- Certificate of Non-collusion
- Certificate of Tax Compliance
- Purchase Proposal
- Zoning Compliance Statement

I. INTRODUCTION, HISTORY, & GOALS

This building is available for purchase and re-use in “as-is” condition, having been approved for disposition by the Arlington Board of Selectmen and Town Meeting. 1207 Massachusetts Avenue constitutes **4,645 square foot (more or less) parcel** of land improved with a one-story masonry commercial building with approximately **2,700 square feet** of usable floor space.

The Town, through its Board of Selectmen and Town Manager, is seeking proposals for the purchase and future use of the parcel with highly advantageous bidders accepting a 40-year deed restriction to require mixed-use development of the property consistent with recent revisions to the Arlington Zoning Bylaws, and defined as “[a] Combination of two or more distinct land uses, such as commercial, lodging, research, cultural, artistic/creative production, artisanal fabrication, residential in a single multi-story structure to maximize space usage and promote a vibrant, pedestrian-oriented live-work environment.” Such advantageous bidders shall receive waivers of building and special permit fees in additional consideration.

A. Property Description

This parcel was generally known as the DAV Club (Disabled American Veterans), 1207 Massachusetts Avenue, Arlington, Massachusetts. It has been owned by the Town since 1901, though it has been largely maintained and exclusively used by the DAV for many years, until the recent closing of the local chapter. Original construction was completed in approximately 1920, and the exterior presents a brick and stucco facade with steel doors, high-set transom windows, and a rubber membrane roof installed within the last five years. The interior of the building is generally in average condition and set up as a bar with additional club meeting rooms and spaces. The property has minimal finishes, but currently includes two lavatories, a kitchen, and gas-fired heating and hot-water systems.

Attachment A is an image showing the lot as improved.

Lot Area:	approx. 4,645 sq. ft.
Structure:	One-story brick and stucco
Gross Structure Area:	Total: 2,700 sq. ft.
Zoning:	B-2 Neighborhood Business Zoning District
Assessed Value:	Building value: \$ 182,200 Land value: \$ 206,400 Total value: \$ 388,600
Assessor's Map/	Map 57, Block 4, Lot 14

Parcel Number	057.0-0004-0014.0
---------------	-------------------

B. Environmental

The property has been used as the DAV Club for many years, but is believed to have been a commercial property prior to DAV use. The Town is not aware of any environmental contamination or conditions, but expressly makes no warranties regarding conditions. The building and parcel are being sold in "as-is" conditions, and it shall be the responsibility of the successful bidder to inspect the property prior to closing.

C. Goals

The Town has established the following goals for the leasing and management of the premises:

1. Sell the property at the best price in "as is" condition with a minimum sale price of \$750,000.00
2. Ensure the intended use and/or development of the property causes minimal disruption to the residential and commercial properties in the neighborhood;
3. Ensure that all intended uses and/or development complies with relevant laws, regulations.
4. Secure a Mixed-Use Deed Restriction. Highly advantageous bidders will accept sale subject to a 40-year deed restriction limiting its development to any of the myriad allowable mixed-uses as defined by Arlington Zoning Bylaws revised by 2016 Town Meeting. This restriction shall be implemented by way of a restrictive covenant signed and recorded by the successful proposer at the time of closing.

D. Disposition Terms

1. Purchase & Sale Agreement, Restrictive Covenant, Deposit, Closing.

The Board of Selectmen intends to award the contract to purchase the property to the proposer submitting the successful proposal. Within ____ days after the award is made, the successful proposer and the Town Manager or his designee shall commence negotiation of a Purchase & Sale Agreement with the successful proposer incorporating the restrictions and conditions set forth in this Request for Proposals.

Such Purchase & Sale shall include a restrictive covenant meeting the description set forth above in Section I.C.2. If the parties are unable to negotiate a Purchase & Sale Agreement within 30 days of commencing

negotiation, the Board of Selectmen will be authorized, but not required, to withdraw its award of the contract, award the contract to an alternate proposer that the Board deems responsive and responsible, or to reject all proposals.

2. At the time a Purchase & Sale Agreement is executed, the successful proposer shall pay to the Town a deposit equal to 10% of the purchase price set forth in the selected proposal.
3. The Purchase & Sale Agreement will govern disposition of the deposit and all other issues relating to the conveyance of Town property.
4. Conveyance will be made by quitclaim deed.
5. Reservation of Rights, No Representations or Warranties. The Town reserves the right to accept or reject any or all proposals as it may deem to be in the best interest of the Town and to waive minor informalities in determining who is a responsive proposer.

The property is offered on an “as is, as where” basis, without warranties or representations of any kind except as may be expressly set forth herein. The successful proposer will be responsible for the mitigation or removal of any hazardous materials or petrochemicals contained in the building. Proposers are responsible for conducting their own due diligence research, including title examination, verification of the location and dimensions of the property, and confirmation of the property’s compliance with applicable law, statutes regulations, codes, or other legal requirements.

II. REQUIRED SUBMITTALS

A. Submission Instructions

One original and 10 copies of each proposal must be submitted. All proposals must be in writing and submitted in a double envelope addressed to:

Purchasing Officer
Town of Arlington
Arlington Town Hall - First Floor Annex
730 Massachusetts Avenue
Arlington, MA 02476

B. Pre-Bid Tour

There will be two site visits at the property, one on November 29, 2016, at 10:00 a.m., and a second on December 6, 2016, at 10:00 a.m. Attendance by prospective bidders at one of these two visits is recommended.

C. Proposal Deadline

All proposals must be received in the Town Hall by 2:00 PM on Thursday December 22, 2016. Proposals may not be sent by e-mail or facsimile transmission. Postmarks will not be considered.

D. Content of Proposals

1. Identity of Proposers: Each proposal shall contain the names, addresses, and contact information of all principals, partners, and others participating in the acquisition and re-use of the property, including the legal organizational structure of each corporation or partnership identifying all partners or shareholders and the amounts of their interests. If a joint venture is proposed, the joint venture agreement should be included.
2. Financial Information: Each proposal must include:
 - (a) financing plan, to include all funding sources;
 - (b) financing proposal and lender commitment, to include current (no more than 30 days old) lender commitment letters; and
 - (c) financial statement, to include proposer's most recent complete financial statement.
3. Use: Each proposal shall describe in detail the intended use of the property, as well as any planned renovation or reconstruction, including any terms for a restrictive covenant regarding mixed-use development.
4. Evaluation Criteria: Each proposal shall refer to the evaluation criteria listed below and shall explain in writing how the criteria will be met by the proposal.
5. Forms: All proposals must include completed and executed:
 - Disclosure of Beneficial Interests Statement
 - Certificate of Non-collusion
 - Certificate of Tax Compliance
 - References
 - Purchase Proposal
 - Zoning Compliance Statement

6. Price: Each proposal shall contain a total purchase price, including any pertinent financing arrangements.

III. GENERAL PROCEDURES

A legal advertisement noticing the availability of this RFP has been placed in The Arlington Advocate on November 24, 2016, and December 1, 2016, and in the state Central Register on November 16, 2016. In addition, notice of the availability of this RFP has been conspicuously posted at the Arlington Town Hall since November 10, 2016.

Those wishing to submit a proposal must obtain a copy of the RFP packet. The RFP packet is available on the Town website www.arlingtonma.gov/purchasing.

The Town of Arlington Town Manager's Office will conduct two (2) tours of the property on November 29, 2016, at 10:00 a.m. and December 6, 2016, at 10:00 a.m.; the tours will commence at the entrance of the premises at 1207 Massachusetts Avenue (note that parking is limited). All those submitting proposals are encouraged to attend one of these tours. Contact Domenic Lanzillotti at 781-316-3003 or dlanzillotti@town.arlington.ma.us for information on the tours.

Proposals are invited and must be received on or before 2 p.m., December 22, 2016 at the Town Manager/Purchasing Department, First Floor, Town Hall Annex, 730 Massachusetts Avenue, Arlington, MA 02476. Proposals received later than this time and date will be returned unopened as non-responsive. All times will be ascertained by reference to the date and time clock utilized by the Town Manager/Purchasing Office.

If, at the time of the scheduled opening of the proposals, Town Hall is closed due to uncontrolled events such as fire, snow, ice, wind, or building evacuation, the opening of the proposals will be postponed until 11 a.m. on the next normal business day. Proposals will continue to be accepted until that time.

A proposer may correct, modify, or withdraw a proposal by written notice received by the Town prior to the time and date set for the opening of the proposals. Each modification to proposals must be submitted in a sealed envelope clearly labeled "Modification #16-52." Each modification must be numbered in sequence, and must reference the original RFP.

After the opening of the proposals, a proposer may not change any provision of the proposal in a manner prejudicial to the interests of the Town or fair competition. Minor informalities will be waived, or the proposer will be allowed to correct them. Minor informalities are minor deviations, insignificant mistakes, and matters of form rather than

substance, of the proposal, that can be waived or corrected without prejudice to other offerors, potential offerors, or the Town of Arlington. If a mistake and the intended proposal are clearly evident on the face of the proposal document, the mistake will be corrected to reflect the intended correct proposal, and the proposer will be notified in writing; the proposer may not withdraw the proposal. A proposer may withdraw a proposal if a mistake is clearly evident on the face of the proposal document, but the intended correct proposal is not similarly evident.

The Town may cancel this RFP, or reject in whole or in part any and all proposals, if the Town determines that cancellation or rejection serves the best interests of the Town.

The Town also reserves the right to select the winning proposal based on the evaluation of the proposer's overall submittal, and the extent to which the proposal meets the evaluation criteria in this RFP. Thus, the Town may exercise its right to select a proposal that may not have offered the highest purchase price.

If any changes are made to this RFP, an addendum will be issued. Addenda will be mailed, faxed, or emailed to all proposers on record as having picked up the RFP.

Questions concerning this RFP must be submitted in writing to: Domenic Lanzillotti, Purchasing Officer, Office of the Town Manager, Town Hall Annex, 730 Massachusetts Avenue, Arlington, MA 02476. Questions may be delivered or mailed to this address; or faxed to 781-316-3019 (clearly addressed to: Domenic Lanzillotti); or emailed to dlanzillotti@town.arlington.ma.us.

All questions must be received by 4 p.m. on December 8, 2016. Written responses will be posted on the Town website no later than December 14, 2016.

IV. EVALUATION PROCEDURES

The Purchasing Officer will screen the proposals for completeness. Proposals deemed to be incomplete will be rejected. The Town Manager's Office will then review each completed proposal to ensure that it meets all of the minimum quality criteria listed in **Section V, Minimum Quality Criteria**, below. Those proposals that meet all of the minimum quality criteria, and that are determined to be responsive, will be further reviewed using the Comparative Quality Evaluation Criteria listed in **Section VI, Comparative Quality Evaluation Criteria**, below.

The Town Manager and designated representative of the Board of Selectmen will rate each of the first five (5) mandatory Comparative Quality Evaluation Criteria listed below using the listed ratings. Once evaluated and rated with respect to the first five (5) mandatory Comparative Quality Evaluation Criteria, the Town Manager and Board Representative will then decide whether to conduct interviews of proposers. In either case listed immediately below, the Town

Manager and Board Representative shall jointly evaluate and assign an overall rating to each proposal. The Town Manager shall either:

- A. Recommend to the Board of Selectmen which proposer to negotiate the purchase and sale with, based on the most advantageous overall ratings of the five (5) mandatory Comparative Quality Criteria, and the Purchase Evaluation Criterion; or,
- B. Conduct the Optional Interview/Presentation jointly with a designee of the Board of Selectmen with the top-ranked proposers; and then recommend to the full Board of Selectmen which proposer to negotiate the purchase and sale with, based on the overall most advantageous ratings of all six (6) of the Comparative Quality Criteria, and on the Purchase Evaluation Criterion.

Proposers are reminded that purchase price alone is not the final determining factor leading to the execution of a purchase and sale agreement.

V. MINIMUM QUALITY CRITERIA

Following are the Minimum Quality Criteria that proposers must meet. Failure to meet these Minimum Quality Criteria will result in the immediate rejection of the proposal. Proposers must clearly indicate, and explain in detail, compliance with these Minimum Quality Criteria in a *separate chapter of the proposal* (see **Section II**, Required Submittals).

1. In addition to the technical requirements of Required Submittals and General Procedures, successful proposers must meet goals 1-3 listed in **Section II.C**, "Goals," above;
2. Proposers must agree to purchase the property in "as is" condition. The Town will make no modifications, repairs, renovations, or provide any warranties as a condition of sale;

VI. COMPARATIVE QUALITY EVALUATION CRITERIA

Each of the Comparative Quality Evaluation Criteria below may contain ratings of highly advantageous, advantageous, not advantageous, and not advantageous. Proposers must clearly indicate, and explain in detail, the level of compliance with these Comparative Quality Evaluation Criteria in a *separate chapter of the proposal* (see Section II, Required Submittals, above).

1. Purchase for Mixed-Use Development

Highly Advantageous – Proposer will accept a 40-year deed restriction requiring that redevelopment of the property would be restricted to “mixed-use,” defined as follows:

A combination of two or more distinct land uses, such as commercial, lodging, research, cultural, artistic/creative production, artisanal fabrication, residential in a single multi-story structure to maximize space usage and promote a vibrant, pedestrian-oriented live-work environment.

As part of its consideration for such restriction the Town will agree to waive special permit and building permit fees for proposed mixed-use developments.

Advantageous – Proposer presents a means of confirming commitment to mixed use development of the parcel by alternate means than a deed restriction.

Not Advantageous – Proposer does not intend to develop the parcel for mixed-use.

2. Proposed Community Benefits

- A. How will the proposed use benefit the neighborhood and residents in the immediate vicinity?

Highly Advantageous – Proposed use(s) benefits the surrounding neighborhood in a multiple ways consistent with mixed-use development, benefiting many different types of neighbors – residents, neighborhood businesses, and other institutions.

Advantageous – Proposed use benefits some types of neighbors, but not all.

Not Advantageous – Proposed use does not benefit the surrounding neighborhood.

B. How will the proposed use provide employment opportunities for Arlington residents?

Highly Advantageous – Proposal provides detailed projections of potential employment opportunities of Arlington residents in a mixed-use or comparable use of the space.

Advantageous – Proposal provides generalized plan for mixed or strictly commercial use of the space to provide employment opportunities for Arlington residents.

Not Advantageous – Proposed use does not project to provide employment opportunities for Arlington residents.

C. How will the proposed use create a customer base for Arlington businesses?

Highly Advantageous – Proposal provides detailed projections of potential creation of customer bases for Arlington businesses in a mixed-use or comparable use of the space.

Advantageous – Proposal provides generalized plan for creating a customer base for Arlington businesses for mixed, commercial, or residential use of the space.

Not Advantageous – Proposed use does not project create a customer base for Arlington businesses.

3. Level of Disruption Caused by Proposed Use

Highly Advantageous – Proposed use does not potentially cause any significant disruption to existing uses or the neighborhood.

Advantageous – Proposed use does not potentially cause any substantial disruption to existing uses or the neighborhood.

Not Advantageous – Proposed use does potentially cause substantial disruption to existing uses or the neighborhood.

4. Demonstrated Sufficient Financial Resources and Development Experience

Highly Advantageous – Proposer has the demonstrated sufficient financial resources to ensure completion of the disposition and maintenance of the property, as well as sufficient resources to execute any redevelopment plans articulated in the proposal.

Advantageous – Proposer has the demonstrated sufficient financial resources to ensure completion of the disposition and maintenance of the property.

Not Advantageous – Proposer does not possess the demonstrated sufficient financial resources to ensure completion of the disposition and maintenance of the property.

5. Optional Interview/Presentation

Highly Advantageous – Well-designed, concise, original presentation, with specific focus on, and clarification of, the written proposal, made by prospective purchaser; concise, “on-point” answers to questions.

Advantageous – Average presentation, with general focus on, and clarification of, the written proposal, or average answers to questions, made by prospective purchaser.

Not Advantageous – Poor presentation, with very little focus on, and clarification of, the written proposal, or poor answers to questions, made by prospective purchaser.

VII. PURCHASE PRICE EVALUATION CRITERION

Purchase Price will be evaluated based on the highest proposed price.

VIII. RULE FOR AWARD AND DISPOSITION TERMS

The proposal selected for award of the disposition will be the most advantageous proposal from a proposer who is both responsive and responsible, taking into consideration purchase price and all other evaluation criteria set forth in this RFP. A *responsive* proposer is one who meets all of the basic requirements as outlined in this RFP, and whose proposal contains the required information and properly executed forms; a *responsible* proposer is one who possesses the capability, integrity, and reliability to enter into purchase and sale agreement with the Town of Arlington.

DISCLOSURE OF BENEFICIAL INTERESTS STATEMENT

PARTY TO REAL PROPERTY TRANSACTION WITH A PUBLIC AGENCY

M.G.L. c. 7(C), s. 38 (FORMERLY M.G.L. c. 7, s.40J)

FOR SALE OF 1207 MASSACHUSETTS AVENUE

TOWN OF ARLINGTON, MASSACHUSETTS

The undersigned party to a real property transaction with a public agency hereby discloses and certifies, under pains of perjury, the following information as required by law:

REAL 2700 square feet, more or less, of space

PROPERTY 1207 Massachusetts Avenue

Arlington, MA 02476

TERM OF Purchase

DISCLOSING PARTY Town of Arlington Disclosing Party is a Public

PARTY Town of Arlington Entity

Town Hall Annex

730 Massachusetts Avenue

Arlington, MA 02476

ROLE OF PARTY Lessor/Landlord Lessee/Tenant

(check appropriate) Seller/Grantor Buyer/Grantee

Other (Please describe):

Names and addresses of all persons and individuals who have or will have a direct or indirect beneficial interest in the real property excluding only 1) a stockholder of a corporation the stock of which is listed for sale to the general public with the securities and exchange commission, if such stockholder holds less than ten per cent of the outstanding stock entitled to vote at the annual meeting of such corporation or 2) an owner of a time share that has an interest in a leasehold condominium meeting all of the conditions specified in M.G.L. c. 7(C), s. 38, are hereby disclosed as follows (attach additional pages if necessary):

Print Name

Address

None of the aforementioned persons is an official elected to public office in the Town of Arlington, or an employee of the Town of Arlington, or is an employee of the Division of Capital Asset Management and Maintenance, except as follows (insert "none" if none):

Print Name

Address

The individual signing this statement on behalf of the above-named party acknowledges that he/she has read the following provisions of Chapter 7(C), Section 38 (formerly Chapter 7, Section 40J) of the General Laws of Massachusetts:

No agreement to rent or to sell real property to or to rent or purchase real property from a public agency, and no renewal or extension of such agreement, shall be valid and no payment shall be made to the lessor or seller of such property unless a statement, signed, under the penalties of perjury, has been filed by the lessor, lessee, seller or purchaser, and in the case of a corporation by a duly authorized officer thereof giving the true names and addresses of all persons who have or will have a direct or indirect beneficial interest in said property with the commissioner of capital asset management and maintenance. The provisions of this section shall not apply to any stockholder of a corporation the stock of which is listed for sale to the general public with the securities and exchange commission, if such stockholder holds less than ten per cent of the outstanding stock entitled to vote at the annual meeting of such corporation. In the case of an agreement to rent property from a public agency where the lessee's interest is held by the organization of unit owners of a leasehold condominium created under chapter

one hundred and eighty-three A, and time-shares are created in the leasehold condominium under chapter one hundred and eighty-three B, the provisions of this section shall not apply to an owner of a time-share in the leasehold condominium who (i) acquires the time-share on or after a bona fide arms length transfer of such time-share made after the rental agreement with the public agency is executed and (ii) who holds less than three percent of the votes entitled to vote at the annual meeting of such organization of unit owners. A disclosure statement shall also be made in writing, under penalty of perjury, during the term of a rental agreement in case of any change of interest in such property, as provided for above, within thirty days of such change.

Any official elected to public office in the commonwealth, or any employee of the division of capital asset management and maintenance disclosing beneficial interest in real property pursuant to this section, shall identify his position as part of the disclosure statement. The commissioner shall notify the state ethics commission of such names, and shall make copies of any and all disclosure statements received available to the state ethics commission upon request.

The commissioner shall keep a copy of each disclosure statement received available for public inspection during regular business hours.

This statement is hereby signed under penalties of perjury.

Signature

Print Name

Title

Date Signed

CERTIFICATE OF NON-COLLUSION
FOR SALE OF 1207 MASSACHUSETTS AVENUE
TOWN OF ARLINGTON, MASSACHUSETTS

Pursuant to Massachusetts General Laws, Chapter 268A, I certify under penalties of perjury that this bid or proposal has been made and submitted in good faith, and without collusion or fraud with any other person. As used in this certification the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club, or other organization, entity, or group of individuals.

Signature of Individual Submitting Proposal

Print Name of Individual Submitting Proposal

Print Name of Business

Date Signed

**BY STATE LAW THIS
NON-COLLUSION FORM
MUST BE SIGNED AND
SUBMITTED WITH THE BID
OR PROPOSAL**

**CERTIFICATE OF TAX COMPLIANCE
FOR SALE OF 1207 MASSACHUSETTS AVENUE
TOWN OF ARLINGTON, MASSACHUSETTS**

Pursuant to Massachusetts General Laws, Chapter 62C, Section 49A, I certify under the penalties of perjury that I have complied with all laws of the Commonwealth of Massachusetts relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

Social Security Number or

Federal Identification Number

Signature of Individual or Responsible

Corporate Officer

Print Name of Individual or Responsible

Corporate Officer

Date Signed

**BY STATE LAW THIS
CERTIFICATE OF TAX COMPLIANCE
FORM MUST BE SIGNED AND
SUBMITTED WITH THE BID
OR PROPOSAL**

PURCHASE PROPOSAL
REQUEST FOR PROPOSALS (RFP)
FOR SALE OF 1207 MASSACHUSETTS AVENUE AS AN
ARLINGTON INNOVATION INCUBATOR
TOWN OF ARLINGTON, MASSACHUSETTS

SELLER: Board of Selectmen, Town of Arlington
Town Hall Annex
730 Massachusetts Avenue
Arlington, MA 02476

PURCHASER: _____

PREMISES: 1207 Massachusetts Avenue
Arlington, MA 02474

PROPOSED PURCHASE PRICE: _____
PROPOSED PURCHASE PRICE (IN WORDS) _____

Signature _____ Title _____

Print Name _____ Date Signed _____

ZONING COMPLIANCE STATEMENT

**FOR SALE OF 1207 MASSACHUSETTS AVENUE AS AN
ARLINGTON INNOVATION INCUBATOR
TOWN OF ARLINGTON, MASSACHUSETTS**

We have examined the Arlington Zoning Bylaw, and the Table of Use Regulations, Article 5 therein, under the R7 Apartment – High Density Zoning District. In our opinion, we qualify as Use # _____.

Describe below the aspects of the use that qualify it as Use #_____ (add sheet, if necessary).

Signature

Title

December 21, 2016

VIA HAND DELIVERY

Domenic Lanzillotti, Purchasing Officer
Town of Arlington
Arlington Town Hall – First Floor Annex
730 Massachusetts Avenue
Arlington, MA 02476

Re: 1207 Massachusetts Avenue, Arlington, MA / RFP No. 16-52

Dear Mr. Lanzillotti:

Pursuant to the above-referenced RFP, we are submitting our proposal for the acquisition and development of 1207 Massachusetts Avenue, Arlington, MA, the property formerly occupied by the Disabled American Veterans (hereinafter referred to as the “Property”).

By way of introduction, I am a Trustee of 1211 Massachusetts Avenue, Arlington, Massachusetts, the commercial property immediately to the left of the Property. 1211 Massachusetts Avenue is titled in the name of James F. Doherty, Trustee of the 1211 Massachusetts Avenue Realty Trust (hereinafter referred to as the “Trust Property”). A copy of the Declaration of Trust is enclosed. There are no other partners or shareholders.

We are proposing to acquire the above-referenced Property on the following terms and conditions:

- a. The payment of Seven Hundred Fifty Thousand and 00/100 Dollars (\$750,000.00) for the Property in its “as is” condition. See Section 4, which provides pertinent financing arrangements.
- b. Payment of Seventy-Five Thousand and 00/100 Dollars (\$75,000.00) upon the execution of a mutually acceptable purchase and sale agreement.
- c. Conveyance of good and marketable title to the Property to the 1211 Massachusetts Avenue Realty Trust by quitclaim deed.
- d. The ability to perform and obtain a 21E of the Property as a condition to the acquisition of the Property.
- e. Waivers of building and special permit fees.
- f. Delivery of the Property free of all occupants.

As recommended, I made a site visit of the property on November 29, 2016.

It is the Trust's intention to develop the Property and Trust Property as one site as follows:

- a. The two sites would be combined and both buildings demolished.
- b. One building would be constructed on both sites, which would include a street level floor, consisting of commercial/retail-type uses permitted in B-2 and B-4 zones, in accordance with the recently adopted mixed-use zoning amendments.

The development would be the type of "mixed use" development contemplated by Arlington's master plan. The upper floors would be either a hotel use or residential apartments.

The location of this proposed development at the "Foot of The Rocks", one of the storied battles of the revolution on April 19, 1775 , provides a great opportunity to create activity around some historical and natural gems in this current "dead zone" between Brattle Square and Arlington Heights. The sites proximity to the Old Schwamb Mill (one block West), one of the first public open portions of the Mill Brook (at the end of Clark Street) and connection to the Minuteman Bikeway immediately behind the site, we believe this furthers the goal of the ARB to utilize the mixed use zoning to tie these community amenities to Mass. Ave (and vis a versa).

COMPARATIVE QUALITY EVALUATION CRITERIA (RESPONSES)

1. Purchase for Mixed-Use Development

The proposer will accept a 40 year deed restriction as defined in the RFP.

2. Proposed Community Benefits

- A. The plan is to develop these two parcels. The current use of our property is automotive related, while the subject was formally utilized as a social club and is now vacant. It has been a goal of the ARB for many years to convert automotive uses in B4 to some other allowable use. We believe the proposed use will be less intrusive to the neighborhood with reduced noise and benefit the area with more greenspace and aesthetically pleasing improvements. In addition the development will create a pedestrian-friendly environment, providing commercial and retail uses servicing the neighborhood and creating activity in the area. The upper floors would be residential. These units will result in a customer base for neighborhood businesses, particularly those businesses located in Arlington Heights. If the Hotel concept materializes, we believe that the potential for out of town guests could rapidly

expand the dining/nightlife in a way similar to Arlington Center and East Arlington (As well as providing an income stream from the hotel tax in the tens of thousands annually). As mentioned earlier, the historical and recreational tie to the Mill Brook and bikeway has great potential for this area. We have attached a preliminary architectural drawing for the proposed use as well as a picture of the current improvements. It is our belief, that this development will be a major aesthetic enhancement to both the residential and commercial district.

B.&C.

We project, based on our experience and research, that construction will employ over 125 people, including many local tradesmen and women. In addition we do business with many local suppliers in Arlington, including building materials, plumbing supplies, hardware & landscaping products as well as other vendors of professional services. Based on the final use (boutique hotel vs. apartments), this development has the potential to support potentially 20 to 30 fulltime employees. All of this temporary and long term employment adds to the customer base for surrounding businesses.

3. Level of Disruption Caused by Proposed use

The development of these two parcels will require the demolition and removal of the existing buildings and the construction of one free-standing mixed use building. Both parcels are improved with modest, primarily masonry structures set away from the rear boundary lines. We have a great deal of experience in demolition and will insure all work is done in a clean and efficient manner. We project that demolition should be complete in three days. The construction of the new structure will be completed in a similar professional and expeditious way. We would suggest that the proposed development of the two parcels will not cause any substantial disruption to the neighborhood.

4. Demonstrated Sufficient Financial Resources and Development Experience

We have attached a letter of commitment from Cambridge Trust Company, which sets out the lender financing we have secured for the acquisition. The development will be funded by equity and debt from this lender. We have a long time relationship with this institution of completing high quality and timely delivered projects.

We have also provided a financial disclosure statement for the 1211 Massachusetts Avenue Realty Trust. Further, we have the financial resources and expertise to redevelop the two parcels, having acquired, developed and marketed numerous properties, including one of the most recent examples of mixed use developments in Arlington, located at 199-201 Broadway.

5. Optional Interview/ Presentation

Domenic Lanzillotti, Purchasing Officer

December 21, 2016

Page 4

We welcome the opportunity to meet with the committee to further discuss the benefits of our proposal.

We respectfully suggest that the selection of our bid, as the responsible proposer, is in the best interests of the Town and in keeping with the goals of the Master Plan, specifically, to have a vital pedestrian-oriented building, containing vibrant businesses and housing, whose occupants utilize public transportation and other non-motor vehicle modes of transportation.

We also attach the required submittals. Please do not hesitate to contact me at (781) – 640-2942 or ptax@comcast.net to schedule an interview.

In advance, I thank you.

Very truly yours,

James E. Doherty, Trustee
16 Spy Pond Parkway
Arlington, MA 02476

Enclosures



2012 00255726

Bk: 60543 Pg: 430 Doc: TRUST
Page: 1 of 6 11/21/2012 12:11 PM**1211 MASSACHUSETTS AVENUE REALTY TRUST****DECLARATION OF TRUST**

1. I, JAMES F. DOHERTY, of 16 Spy Pond Parkway, Arlington, MA 02474, hereby declare that I and my successors in trust will hold any and all property, real and personal, that may be transferred to me as Trustee hereunder in trust for the sole benefit of the individuals or entities listed in the Schedule of Beneficiaries this day executed by the Trustee, in the proportions stated in said Schedule.

2. (a) This trust shall be known as the "1211 MASSACHUSETTS AVENUE REALTY TRUST" and is a nominee trust. The purposes for which this Trust is formed and the functions to be carried on by the Trustee are to create a trust for the purpose of holding the record legal title of the trust property for the benefit of the beneficiaries. The trust shall not engage in any function other than the holding of record legal title to the trust property, except as herein provided.

(b) The original beneficiary or beneficiaries of this Trust are the person or persons listed as beneficiaries in the Schedule of Beneficiaries this day executed by the Trustee and held in their files, and the respective interests of the beneficiary or beneficiaries are as therein stated. The beneficial interest of a beneficiary hereunder shall be deemed to be personal property. In case of death of a beneficiary, his or her right, title or interest hereunder shall pass to his or her executor or administrator and not to his or her heirs at law. The death of any beneficiary shall not terminate the trust nor in any manner affect the powers of the Trustee hereunder.

(c) The Trustee shall not be bound by any transfer or assignment of any beneficial interest or part thereof until receipt by the Trustee of written notice that

such transfer or assignment has in fact taken place together with appropriate evidence of such transfer. Upon receipt of such notice and evidence, the Trustee shall thereupon make the appropriate change in the Schedule of Beneficiaries. In case of a collateral assignment of any beneficial interest hereunder, the Trustee shall make an appropriate notation of the name of the assignee on the Schedule of Beneficiaries when appropriate evidence of such assignment is furnished to the Trustee, and thereafter the prior written consent of the collateral assignee shall be required to any direction of the beneficiary given to the Trustee directing the sale, assignment, mortgaging, or other disposition of all or any part of the trust property, or the termination of this Trust.

3. Except as hereinafter provided in case of the termination of this Trust, the Trustee shall have no power to deal in or with any trust property except as unanimously directed in writing by the beneficiaries. When, as, if and to the extent specifically directed, as aforesaid, the Trustee shall, in accordance with such direction, have full power and authority to acquire land, options to purchase land and interests in land, to sell, grant options to purchase, assign, mortgage, distribute or otherwise dispose of all or any part of the trust property, to borrow money, to grant or acquire rights or easements and enter into agreements with respect to the trust property, and to carry out any actions so designated; provided, however, that no Trustee shall be required to take any action so directed which will in the opinion of such Trustee involve him [her] in any personal liability unless first reasonably indemnified against such liability. Notwithstanding the provisions of this Paragraph 3, any person dealing with the Trustee shall be fully protected in accordance with the provisions of Paragraph 7 hereof.

4. This Trust may be terminated at any time unanimously by written notice of termination given to the Trustee by the beneficiaries and this trust shall terminate in any

event twenty (20) years from the date of this instrument. In case of any such termination, the Trustee shall transfer and convey the entire trust property, subject to any leases, mortgages, contracts or encumbrances on the trust property, to the beneficiaries as tenants in common in proportion to their respective interest as determined in accordance with the provisions of Paragraph 2, or as directed in writing by the beneficiaries.

5. Any Trustee hereunder may resign by written instrument signed and acknowledged by such Trustee and recorded with the Middlesex South Registry of Deeds ("said Deeds"). Succeeding or additional Trustees may be appointed or any Trustee may be removed unanimously by an instrument or instruments in writing signed by the beneficiaries, provided in each case that such instrument or instruments (or a certificate by any Trustee naming the Trustee or Trustees appointed or removed, and in the case of any appointment, the acceptance in writing by the Trustee or Trustees appointed) shall be recorded with said Deeds, which shall be conclusive evidence of his qualification as Trustee hereunder. Upon the appointment of any succeeding or additional Trustee, the title to the trust estate shall thereupon and without the necessity of any conveyance be vested in said succeeding or additional Trustee jointly with the remaining Trustee or Trustees, if any. Each succeeding and additional Trustee shall have all the rights, powers, authority and privileges as if named as an original Trustee hereunder. No Trustee shall be required to furnish bond.

6. This Declaration of Trust may be amended from time to time by a written instrument (i) signed by all of the beneficiaries and acknowledged by any beneficiary, and (ii) delivered to any Trustee, provided in each case that the instrument of amendment or a certificate by any Trustee setting forth the terms of such amendment shall be recorded with said Deeds.

7. No Trustee hereunder shall be liable for any error of judgment nor for any loss arising out of any act or omission in good faith, but shall be responsible only for his own willful breach of trust. No license of court shall be requisite to the validity of any transaction entered into by the Trustee. No purchaser or lender shall be under any liability to see to the application of the purchase money or of any money or property loaned or delivered to any Trustee or to see that the terms and conditions of this Trust have been complied with. Every agreement, lease, sublease, deed, mortgage, note, assignment or other instrument executed by the person appearing from the records of said Deeds to be Trustee hereunder shall be conclusive evidence in favor of every person relying thereon or claiming thereunder that at the time of the delivery thereof this Trust was in full force and effect and that the execution and delivery thereof was duly directed as required by the terms of this Trust. Any person dealing with the trust property or any Trustee may always rely, without further inquiry, on a certificate signed by a person appearing from the records of said Deeds to be a Trustee hereunder as to who are the Trustees hereunder or the beneficiaries hereunder or as to the authority of any Trustee to act, as to whether or not this Declaration of Trust has been terminated or amended, and, if amended, the provisions of such amendment, or as to the existence or non-existence of any fact or facts which constitute conditions to acts by any Trustee or which are in any other manner germane to the affairs of the Trust.

8. (a) If at any time when there are two or more Trustees, any Trustee shall become unable to perform his duties as such Trustee because of physical or mental incapacity, then he shall continue to be a Trustee hereunder and, during such period as such incapacity shall continue, the other Trustee or Trustees shall, acting alone, have and

exercise as Trustees all the powers, duties and discretions of the Trustees within the terms of this instrument.

(b) At any time when there are two or more Trustees, any Trustee may for the duration of any absence, illness, or incapacity of his, or for any specified period of time, authorize in writing the other Trustee or Trustees, acting alone, to manage the affairs of this Trust. Such authority shall be revoked in writing.

9. The terms "Trustee" or "Trustees" when used in this instrument shall each include both singular and plural, masculine and feminine, where the context so requires or permits and shall mean the Trustee or Trustees named herein and such person or persons who hereafter serve as Trustee or Trustees hereunder, and the rights, power, authority and privileges granted hereunder to the Trustee shall be exercised by such person or persons subject to the provisions hereof.

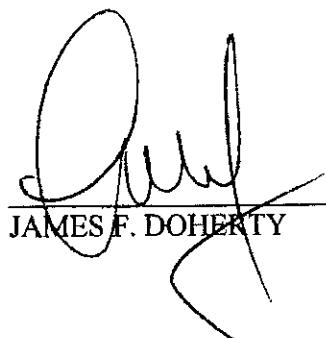
10. No Trustee or beneficiary hereunder shall have any personal liability under any contract or undertaking made by the Trustees. All such contracts, obligations or undertakings shall refer to this instrument and shall be enforceable only against the Trustee as Trustee and upon the trust property. The provisions contained herein do not apply to the purchase money promissory note, mortgage, conditional assignment of leases and rents and related loan and security documentation to Cambridge Trust Company of even date.

11. The Trustee may consult legal counsel concerning any question which may arise hereunder, and shall incur no liability and shall be fully protected in acting in accordance with the opinion of such counsel.

12. The Trustee shall be entitled to reimbursement for all reasonable expenses incurred by him hereunder. Notwithstanding any contrary provision, the Trustee shall not

be required to take any action hereunder by direction of the beneficiaries or otherwise, until the beneficiaries shall furnish to the Trustee reasonable indemnity against liability and expense to the Trustee.

WITNESS the execution hereof under seal by the Trustee, hereinabove named this 21st day of November, 2012.



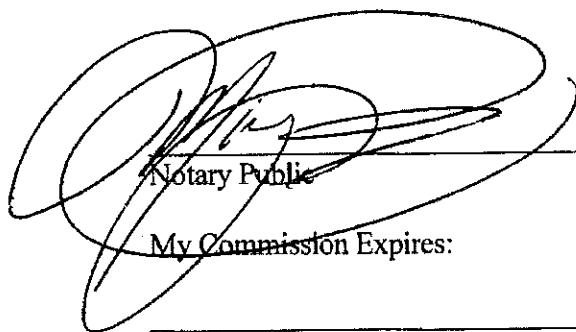
JAMES F. DOHERTY

COMMONWEALTH OF MASSACHUSETTS

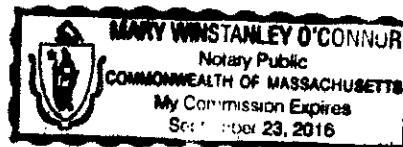
Middlesex, ss.

November 24, 2012

THEN personally appeared the above-named JAMES F. DOHERTY, personally known to me, and acknowledged the foregoing instrument to be his free act and deed, before me.



Notary Public
My Commission Expires:



1211 Massachusetts Avenue Realty Trust
Financial statement

Assets:

1. Real Estate - \$1,500,000

Liabilities:

1. Debt - \$450,000

Net Balance - \$1,050,000

DISCLOSURE OF BENEFICIAL INTERESTS STATEMENT

PARTY TO REAL PROPERTY TRANSACTION WITH A PUBLIC AGENCY

M.G.L. c. 7(C), s. 38 (FORMERLY M.G.L. c. 7, s.40J)

FOR SALE OF 1207 MASSACHUSETTS AVENUE

TOWN OF ARLINGTON, MASSACHUSETTS

The undersigned party to a real property transaction with a public agency hereby discloses and certifies, under pains of perjury, the following information as required by law:

REAL 2700 square feet, more or less, of space

PROPERTY 1207 Massachusetts Avenue

Arlington, MA 02476

TERM OF Purchase

DISCLOSING Town of Arlington Disclosing Party is a Public

PARTY Town of Arlington Entity

Town Hall Annex

730 Massachusetts Avenue

Arlington, MA 02476

ROLE OF PARTY Lessor/Landlord Lessee/Tenant

(check appropriate) Seller/Grantor Buyer/Grantee

Other (Please describe):

Names and addresses of all persons and individuals who have or will have a direct or indirect beneficial interest in the real property excluding only 1) a stockholder of a corporation the stock of which is listed for sale to the general public with the securities and exchange commission, if such stockholder holds less than ten per cent of the outstanding stock entitled to vote at the annual meeting of such corporation or 2) an owner of a time share that has an interest in a leasehold condominium meeting all of the conditions specified in M.G.L. c. 7(C), s. 38, are hereby disclosed as follows (attach additional pages if necessary):

Print Name

Address

James F. Doherty

16 Spy Pond Parkway

Arlington, MA 02474

None of the aforementioned persons is an official elected to public office in the Town of Arlington, or an employee of the Town of Arlington, or is an employee of the Division of Capital Asset Management and Maintenance, except as follows (insert "none" if none):

Print Name

Address

None

The individual signing this statement on behalf of the above-named party acknowledges that he/she has read the following provisions of Chapter 7(C), Section 38 (formerly Chapter 7, Section 40J) of the General Laws of Massachusetts:

No agreement to rent or to sell real property to or to rent or purchase real property from a public agency, and no renewal or extension of such agreement, shall be valid and no payment shall be made to the lessor or seller of such property unless a statement, signed, under the penalties of perjury, has been filed by the lessor, lessee, seller or purchaser, and in the case of a corporation by a duly authorized officer thereof giving the true names and addresses of all persons who have or will have a direct or indirect beneficial interest in said property with the commissioner of capital asset management and maintenance. The provisions of this section shall not apply to any stockholder of a corporation the stock of which is listed for sale to the general public with the securities and exchange commission, if such stockholder holds less than ten per cent of the outstanding stock entitled to vote at the annual meeting of such corporation. In the case of an agreement to rent property from a public agency where the lessee's interest is held by the organization of unit owners of a leasehold condominium created under chapter

one hundred and eighty-three A, and time-shares are created in the leasehold condominium under chapter one hundred and eighty-three B, the provisions of this section shall not apply to an owner of a time-share in the leasehold condominium who (i) acquires the time-share on or after a bona fide arms length transfer of such time-share made after the rental agreement with the public agency is executed and (ii) who holds less than three percent of the votes entitled to vote at the annual meeting of such organization of unit owners. A disclosure statement shall also be made in writing, under penalty of perjury, during the term of a rental agreement in case of any change of interest in such property, as provided for above, within thirty days of such change.

Any official elected to public office in the commonwealth, or any employee of the division of capital asset management and maintenance disclosing beneficial interest in real property pursuant to this section, shall identify his position as part of the disclosure statement. The commissioner shall notify the state ethics commission of such names, and shall make copies of any and all disclosure statements received available to the state ethics commission upon request.

The commissioner shall keep a copy of each disclosure statement received available for public inspection during regular business hours.

This statement is hereby signed under penalties of perjury.

Signature

James F. Doherty

Print Name

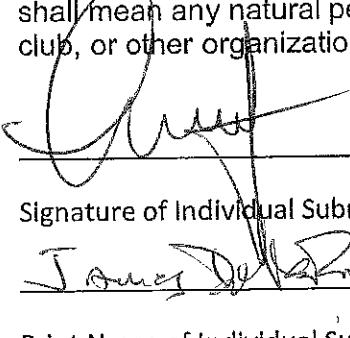
James F. Doherty

Title Trustee, 1211 Massachusetts Avenue Realty Trust, u/d/t
November 21, 2012 in the Middlesex So. Registry of Deeds at
Book 60543, Page 430

Date Signed December 21, 2016

CERTIFICATE OF NON-COLLUSION
FOR SALE OF 1207 MASSACHUSETTS AVENUE
TOWN OF ARLINGTON, MASSACHUSETTS

Pursuant to Massachusetts General Laws, Chapter 268A, I certify under penalties of perjury that this bid or proposal has been made and submitted in good faith, and without collusion or fraud with any other person. As used in this certification the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club, or other organization, entity, or group of individuals.



Signature of Individual Submitting Proposal



Print Name of Individual Submitting Proposal

James F. Doherty

Estate of J. D.

Print Name of Business

1211 Massachusetts Avenue Realty Trust

Date Signed December 26, 2016

**BY STATE LAW THIS
NON-COLLUSION FORM
MUST BE SIGNED AND
SUBMITTED WITH THE BID
OR PROPOSAL**

CERTIFICATE OF TAX COMPLIANCE

FOR SALE OF 1207 MASSACHUSETTS AVENUE

TOWN OF ARLINGTON, MASSACHUSETTS

Pursuant to Massachusetts General Laws, Chapter 62C, Section 49A, I certify under the penalties of perjury that I have complied with all laws of the Commonwealth of Massachusetts relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

4-4003

Social Security Number or

Federal Identification Number

Signature of Individual or Responsible

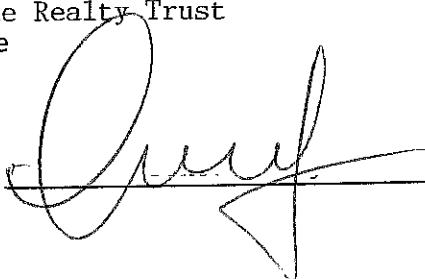
Corporate Officer

James F. Doherty, individually and as trustee and beneficiary of
the 1211 Massachusetts Avenue Realty Trust

Print Name of Individual or Responsible

Corporate Officer

Date Signed December 21, 2016



BY STATE LAW THIS

CERTIFICATE OF TAX COMPLIANCE

FORM MUST BE SIGNED AND

SUBMITTED WITH THE BID

OR PROPOSAL

References

1. Marty Fenton, Cambridge Trust Company
2. Paul Sagarino, CPA
3. Charles Veniziano, Medford Engineering
4. William Billings, Billings Heating & Air Conditioning

PURCHASE PROPOSAL

REQUEST FOR PROPOSALS (RFP)

FOR SALE OF 1207 MASSACHUSETTS AVENUE AS AN
ARLINGTON INNOVATION INCUBATOR
TOWN OF ARLINGTON, MASSACHUSETTS

SELLER: Board of Selectmen, Town of Arlington

Town Hall Annex

730 Massachusetts Avenue

Arlington, MA 02476

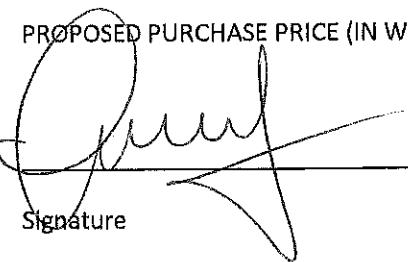
PURCHASER: James F. Doherty as Trustee of the 1211 Massachusetts Avenue Realty Trust

PREMISES: 1207 Massachusetts Avenue

Arlington, MA 02474

PROPOSED PURCHASE PRICE: \$750,000

PROPOSED PURCHASE PRICE (IN WORDS) Seven Hundred Fifty Thousand Dollars
and 00/100 - See Exhibit A attached



Signature

Title Trustee of the 1211 Massachusetts Avenue Realty Trust

Print Name James F. Doherty

Date Signed December 21, 2016

ZONING COMPLIANCE STATEMENT

FOR SALE OF 1207 MASSACHUSETTS AVENUE AS AN
ARLINGTON INNOVATION INCUBATOR
TOWN OF ARLINGTON, MASSACHUSETTS

We have examined the Arlington Zoning Bylaw, and the Table of Use Regulations, Article 5 therein, under the R7 Apartment – High Density Zoning District. In our opinion, we qualify as Use # 7.13 Mixed. Use

Describe below the aspects of the use that qualify it as Use # 7.13 (add sheet, if necessary).

See attached. We did review the zoning by laws but need more clarification on the allowable uses and density. We are unsure of the reference to "R7 Apartment - High Density Zoning District", as it does not appear this is relevant to this RP. The offer is contingent upon this issue being clarified.

Signature

Title

JAMES F. DOHERTY, Trustee of the 1211
Massachusetts Avenue Realty Trust





Town of Arlington, Massachusetts

Discussion: Future BoS Meetings

ATTACHMENTS:

Type	File Name	Description
<input checked="" type="checkbox"/> Reference Material	2017_Calendar_April_-_August.pdf	Calendar

April 2017

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						Annual Town Election
2	3 SELECTMEN MEETING 7:15 P.M.	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24 Patriots' Day Parade	25	26 Special Town Meeting	27	28	29
30						

May 2017

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

Mother's Day

Memorial Day

June 2017						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
	Father's Day					
25	26	27	28	29	30	

July 2017						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4 Independence Day	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

August 2017

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4	5	
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		



Town of Arlington, Massachusetts

Articles for Review:

Summary:

- Article 11** Bylaw Amendment/Residential Construction, Open Excavation, and Demolition Activity Regulations: Neighbor Notifications and Meetings
Article 12 Bylaw Amendment/Residential Construction, Open Excavation, and Demolition Activity Regulations: Building Site Maintenance
Article 13 Bylaw Amendment/Residential Construction, Open Excavation, and Demolition Activity Regulations: Abutter and Public Property Protections
Article 14 Bylaw Amendment/Residential Construction, Open Excavation, and Demolition Activity Regulations: Noise Abatement
Article 17 Bylaw Amendment: Regulation of Plastic Bags
Article 26 Acceptance of Legislation/Establishment of a Parking Benefits District
Article 29 Endorsement of CDBG Application
Article 30 Bylaw Amendment/Departmental Revolving Fund Bylaw
Article 31 Revolving Funds

ATTACHMENTS:

Type	File Name	Description
Reference Material	W_A_Text.docx	Warrant Article Text
Reference Material	Town_Counsel_Comments_Re_2017_Annual_Town_Meeting_Articles_- _RSG_Bylaws__Plastic_Bag_Reduction__CDBG__Revolving_Fund_Bylaw_and_Revolving_Fund_Approvals.pdf	Town Counsel Comments W.A. #11,12,13,14,17,26,29,30,31
Reference Material	10_registered_voters_letter_to_W.A._17.pdf	10 Registered Voter Letter W.A. #17
Reference Material	W.A.#14__W.A.#17_BoH_Comments.pdf	Board of Health Comments, Warrant Articles #14, #17
Reference Material	WA_17_Feeney_Memo.pdf	W.A. #17 Comments J. Feeney, Assistant Town Manager
Reference Material	Plastic_Bag_Ban_slides_3-13-17_(1).pdf	W.A. #17 Slide Presentation
Reference Material	PlasticBagBylawFAQ_(1).pdf	W.A. #17 FAQ Sheet
Reference Material	List_of_cities_and_towns_(1).docx	W.A. #17 List of Cities and Towns
Reference Material	Title_VIII_Art_9_Plastic_Bag_Reduction_-_Somerville_Model_JAB_edits_(1).pdf	W.A. #17 Somerville Model
Reference Material	SC-Arlington-2017-03-07.pdf	W.A. #17 Letter of Support , MA Chapter of the Sierra Club
Reference Material	Arlington_Article_17_MyRWA_Endorsement_(1)_(1)_(1).pdf	W.A. #17 MyRWA Endorsement
Reference Material	Letter_from_Friends_of_Spy_Pond_Park.pdf	W.A. #17 Friends of Spy Pond Park Endorsement
Reference Material	ARC_letter_to_BoS.pdf	W.A. #17 Arlington Recycling Committee Endorsement
Reference Material	L._Melvin_e-mail.pdf	W.A. #17 L. Melvin e-mail endorsement
Reference Material	Erik_e-mail.pdf	W.A. #17 Erik e-mail endorsement
Reference Material	CDBG_Report_to_Board_of_Selectmen__March_13__2017__Final_Version.pdf	W.A. #29 Endorsement of CDBG Application
Reference Material	FY2016_Revolving_Fund_Expenditure_Detail_final.pdf	W.A. #31 FY2016 Revolving Funds: Expenditure Detail
Reference Material	Revolving_Fund_Warrant_Article_FY2018_final.pdf	W.A. #31 FY2018 Revolving Funds for Warrant Article

ARTICLE 11**BYLAW AMENDMENT/RESIDENTIAL CONSTRUCTION, OPEN EXCAVATION, AND DEMOLITION ACTIVITY REGULATIONS: NEIGHBOR NOTIFICATIONS AND MEETINGS**

To see if the Town will vote to amend the Town Bylaws to require property owners and/or builders to provide the following material to abutters within 200 feet of residential demolition, open foundation excavation, new construction, or large addition sites, within seven (7) calendar days of the filing of a Building Permit application: site plan, hours of operation, anticipated completion date, work schedule, health, safety, abutting property protection, and noise abatement and to require evidence of such notice to abutters to the Department of Inspectional Services prior to the issuance of a Building Permit; and determine any fines for violations of said Bylaw Amendments; or take any action related thereto.

(Inserted at the request of the Town Manager and Residential Study Group)

ARTICLE 12**BYLAW AMENDMENT/RESIDENTIAL CONSTRUCTION, OPEN EXCAVATION, AND DEMOLITION ACTIVITY REGULATIONS: BUILDING SITE MAINTENANCE**

To see if the Town will vote to amend the Town Bylaws to require property owners and/or builders engaged in residential demolition, open foundation excavation, new construction, or large additions, to manage site conditions in the interests of public safety by mandating non-construction waste be removed or otherwise managed daily; dumpsters be used for construction waste only and covered and secured during non-working hours; portable restrooms be secured, maintained, and free from the public way unless otherwise permitted by the Town; construction equipment and materials be stored in safe, secure and non-obstructive locations on the site or as otherwise permitted by the Town and timely removed if inoperable or will otherwise no longer be used on the site; and determine any fines for violations of said Bylaw Amendments; or take any action related thereto.

(Inserted at the request of the Town Manager and Residential Study Group)

ARTICLE 13**BYLAW AMENDMENT/RESIDENTIAL CONSTRUCTION, OPEN EXCAVATION, AND DEMOLITION ACTIVITY REGULATIONS: ABUTTER AND PUBLIC PROPERTY PROTECTIONS**

To see if the Town will vote to amend the Town Bylaws to require property owners and/or builders engaged in residential demolition, open foundation excavation, new construction, or large addition projects protect neighboring public and private property by requiring a drive entrance pad, or its equivalent, to minimize tracking of soils from the building site; and prohibit removal of lateral support from any footing or foundation without first protecting such footings or foundations against settlement or lateral translation; and determine any fines for violations of said Bylaw Amendments; or take any action related thereto.

(Inserted at the request of the Town Manager and Residential Study Group)

ARTICLE 14 **BYLAW AMENDMENT/RESIDENTIAL CONSTRUCTION, OPEN EXCAVATION, AND DEMOLITION ACTIVITY REGULATIONS: NOISE ABATEMENT**

To see if the Town will vote to amend the Town Bylaws to further prohibit construction as defined therein without reasonable use of mitigation measures to limit nuisance noise, including but not limited to, provision of noise reducing barriers where feasible on sites abutting residential properties, and limiting the use of noise generating equipment; and determine any fines for violations of said Bylaw Amendments; or take any action related thereto.

(Inserted at the request of the Town Manager and Residential Study Group)

ARTICLE 17 **BYLAW AMENDMENT/REGULATION OF PLASTIC BAGS**

To see if the Town will vote to regulate or prohibit the sale or distribution of plastic bags at retail, food service, and other establishments; or take any other action related thereto.

(Inserted at the request of Jim Ballin and ten registered voters)

ARTICLE 26 **ACCEPTANCE OF LEGISLATION/ESTABLISHMENT OF A PARKING BENEFITS DISTRICT**

To see if the Town will vote to accept provisions of Chapter 218 of the Acts of 2016 ("An Act Modernizing Municipal Finance and Government") Sections 26, 27 and 30, allowing the Town to establish Parking Benefits Districts, in which parking revenue collected therein may be designated in whole or in part for use in that district through a dedicated fund in accordance with the purposes and uses listed in Section 22A of Chapter 40; or take any action related thereto.

(Inserted at the request of the Town Manager)

ARTICLE 29 **ENDORSEMENT OF CDBG APPLICATION**

To see if the Town will vote to endorse the application for Federal Fiscal Year 2018 prepared by the Town Manager and the Board of Selectmen under the Housing and Community Development Act of 1974 (PL 93-383) as amended; or take any action related thereto.

(Inserted by the Board of Selectmen and at the request of the Town Manager)

ARTICLE 30 **BYLAW AMENDMENT/DEPARTMENTAL REVOLVING FUND BYLAW**

To see if the Town will vote to amend the Town Bylaws by adding a new section to establish and authorize revolving funds for use by certain town departments, boards, committees, agencies or officers under Massachusetts General Laws Chapter 44, § 53E½; or take any action related thereto.

(Inserted at the request of the Town Manager)

ARTICLE 31 **REVOLVING FUNDS**

To see if the Town will vote to reauthorize revolving funds established under various previous votes of the Town, to hear or receive a report concerning the receipts and expenditures of same, to establish new revolving funds or to amend the votes under any previously adopted revolving funds, to appropriate a sum of money to fund same, to determine how the money shall be raised or expended; or take any action related thereto.

(Inserted by the Board of Selectmen)



**Town of Arlington
Legal Department**

Douglas W. Heim
Town Counsel

50 Pleasant Street
Arlington, MA 02476
Phone: 781.316.3150
Fax: 781.316.3159
E-mail: dheim@town.arlington.ma.us
Website: www.arlingtonma.gov

To: Board of Selectmen

Cc: Adam Chapdelaine, Town Manager
John Leone, Town Moderator
Jennifer Raitt, Planning Director
Christine Bongiorno, Health Director
Richard Viscay, Comptroller

From: Douglas W. Heim, Town Counsel

lwh

Date: March 9, 2017

Re: Annual Town Meeting Warrant Articles ## 11, 12, 13, 14, 17, 26, 29, 30, and 31

I write to provide the Board a summary of the above-referenced warrant articles to assist in the Board's consideration of these articles at its upcoming hearing on March 13, 2017. In the interests of clarity, articles are presented in the order in which they appear on the Warrant.

ARTICLE 11**BYLAW AMENDMENT/RESIDENTIAL CONSTRUCTION, OPEN EXCAVATION, AND DEMOLITION ACTIVITY REGULATIONS: NEIGHBOR NOTIFICATIONS AND MEETINGS**

To see if the Town will vote to amend the Town Bylaws to require property owners and/or builders to provide the following material to abutters within 200 feet of residential demolition, open foundation excavation, new construction, or large addition sites, within seven (7) calendar days of the filing of a Building Permit application: site plan, hours of operation, anticipated completion date, work schedule, health, safety, abutting property protection, and noise abatement and to require evidence of such notice to abutters to the Department of Inspectional Services prior to the issuance of a Building Permit; and determine any fines for violations of said bylaw amendments; or take any action related thereto.

(Inserted at the request of the Town Manager and Residential Study Group)

This is the first of a series of four warrant articles dedicated to addressing concerns raised by the community (including at the 2016 Town Meeting) about the impact of residential construction projects on neighboring homes and persons. While I expect representatives of the Residential Study Group and Planning Department (which studied and developed the warrant articles and proposals over the course of nearly a year) will provide further details on the rationale for these measures, I note that each article and bylaw change is intended to be reflected in their final forms in a Residential Construction Control Agreement. The Agreement will provide contractors and developers with a single document to outline Town bylaws and State regulations that protect the community from, and/or mitigate quality of life impacts caused by residential construction.

Article 11 specifically, builds upon an existing “Notice of Demolition” provision in the Town Bylaws to ensure that neighbors within 200 feet of a residential demolition, open foundation excavation, new construction, or large addition project are notified of the project before it commences and provided with information on the expected schedule of the work, scope of the project, and means of mitigating some potential impacts upon abutting properties. It is my understanding that through the use of the expanded notice provisions, the Study Group believes that contractors, developers, and homeowners will better engage in dialogue their neighbors, both armed with a clear set of shared expectations during the life of a project. Permit me to note that the Study Group has worked extraordinarily hard to develop thoughtful proposals,

cultivating ideas from a cross-section of diverse members of the Arlington community with varied interests and perspectives.

If the Selectmen are inclined to support the Study Group's recommended expansion of notice provisions relative to residential construction in the bylaws, the following motion should be considered:

VOTED: *That Title VI, Article 7, be and is hereby amended as follows to add new categories of construction required for notice and additional substantive notice requirements:*

ARTICLE 7 NOTICE OF DEMOLITION, OPEN FOUNDATION EXCAVATION, NEW CONSTRUCTION, OR LARGE ADDITIONS

- A. *The owner of any building or parcel who intends to have such building demolished, engage in open foundation excavation, engage in new residential construction, or build a large addition must, at the least within at least seven (7) calendar days prior to the commencement of any site work (including demolition or open foundation excavation) or within seven (7) calendar days of the filing of an application for a Building Permit, whichever date is earlier prior thereto, give notice by first-class mail to all abutters within 200 feet of such building or construction site before such demolition, construction or open foundation excavation can commence.*
- B. *The notice required herein shall, at a minimum, contain a site plan for any applicable residential demolition, open foundation excavation, alteration or construction project, as well as information detailing the hours of operation for the project, anticipated completion date, work schedule, and health, safety, and abutting property protections, and as appropriate, noise abatement measures applied by the developer or contractor of the project.*
- C. *"Demolition" shall be defined as the act of pulling down, destroying, removing, or razing 50 % or more of a building, or commencing the work of total or substantial destruction with the intent of completing the same.*

"Open foundation excavation" shall be defined as an open and exposed excavation for the purposes of constructing or expanding a residential building foundation. Satisfaction of open foundation excavation requirements of this Article shall not be construed to satisfy any additional requirements set forth in Title V Article 3 of these bylaws.

"Large additions" shall be defined as an alteration or addition in any residential district which increases the size of a building by 750 square feet or more, or by 50% or more of the existing building's gross floor area.

- D. When applying for Prior to issuance of a demolition or building permit, or commencing an open foundation excavation the applicant shall demonstrate to the satisfaction of the Inspector of Buildings that he or she has given the notice required herein, by providing a list of those notified, a copy of the notice, and an affidavit stating when it was mailed.
- E. Violators of this bylaw will be subject to a fine of \$200 per day upon notification of the Building Inspector.

ARTICLE 12

BYLAW AMENDMENT/RESIDENTIAL CONSTRUCTION, OPEN EXCAVATION, AND DEMOLITION ACTIVITY REGULATIONS: BUILDING SITE MAINTENANCE

To see if the Town will vote to amend the Town Bylaws to require property owners and/or builders engaged in residential demolition, open foundation excavation, new construction, or large additions, to manage site conditions in the interests of public safety by mandating non-construction waste be removed or otherwise managed daily; dumpsters be used for construction waste only and covered and secured during non-working hours; portable restrooms be secured, maintained, and free from the public way unless otherwise permitted by the Town; construction equipment and materials be stored in safe, secure and non-obstructive locations on the site or as otherwise permitted by the Town and timely removed if inoperable or will otherwise no longer be used on the site; and determine any fines for violations of said bylaw amendments; or take any action related thereto.

(Inserted at the request of the Town Manager and Residential Study Group)

AND

ARTICLE 13

BYLAW AMENDMENT/RESIDENTIAL CONSTRUCTION, OPEN EXCAVATION, AND DEMOLITION ACTIVITY REGULATIONS: ABUTTER AND PUBLIC PROPERTY PROTECTIONS

To see if the Town will vote to amend the Town Bylaws to require property owners and/or builders engaged in residential demolition, open foundation excavation, new construction, or large addition projects to protect neighboring public and private property by requiring a drive entrance pad, or its equivalent, to minimize tracking of soils from the building site; and prohibit removal of lateral support from any footing or foundation without first protecting such footings or foundations against settlement or lateral translation; and determine any fines for violations of said bylaw amendments; or take any action related thereto.

(Inserted at the request of the Town Manager and Residential Study Group)

Articles 12 and 13 are paired together for the purposes of the proposal before the Board because in their final versions they address substantial similar issues in residential construction – maintenance of the construction site and protections for abutters. As noted above, these articles represent the next piece of the Residential Study Group’s substantial efforts to address a suite of concerns about the impact of residential construction projects on the quality of life in Arlington. While the Study Group will present more specific information, I note that the proposal before you establishes straightforward categories of residential construction projects that require compliance with specific site maintenance rules ranging from ensuring that portable restrooms are, to the extent possible, kept off of public ways and at least 10 feet away from abutter property lines, to requiring use of a “drive entrance pad,” a mechanism to limit the amount of soil tracked from construction site into public and private ways.

If the Selectmen are inclined to support the Study Group’s recommendations regarding protections for abutting property owners and neighborhoods relative to residential construction in the bylaws, the following motion should be considered:

VOTED: *That Title VI be and hereby is amended to add a new article, “Article 9: Residential Construction Site Control and Maintenance,” to read as follows:*

ARTICLE 9: RESIDENTIAL CONSTRUCITON SITE CONTROL AND MAINTENANCE

A. Purpose and Applicability

The purpose of this article is to establish construction site maintenance requirements for residential demolition, open foundation excavation, new construction, and large addition projects in the interests of minimizing adverse impacts on the neighboring community and promoting public health and safety.

B. Definitions

1. *“Demolition shall be defined as the act of pulling down, destroying, removing, or razing a removing, or razing 50 % or more of a building, or commencing the work of total or substantial destruction with the intent of completing the same.*
2. *“Open foundation excavation” shall be defined as an open and exposed excavation for the purpose of constructing or expanding a residential building foundation. Satisfaction of open foundation excavation requirements of this Article shall not be*

construed to satisfy any additional requirements set forth in Title V Article 3 of these bylaws.

3. *"Large additions" shall be defined as an alteration or addition in any residential district which increases the size of a building by 750 square feet or more, or by 50% or more of the existing building's gross floor area.*

C. Site Maintenance Requirements

Throughout the course of any demolition, open foundation excavation, new construction, or large addition project as defined herein, the primary contractor, builder, or developer shall be required to keep the residential construction in neat and orderly condition. Specifically, the construction site shall be required to be maintained as follows:

1. *All waste shall be managed and secured daily so as not to impact site abutters or the surrounding area and at a minimum, dumpsters shall be cleaned or removed every thirty (30)calendar days;*
2. *Portable restrooms shall be secured, maintained, free from the public way and placed at least ten (10) feet from adjacent residential properties unless otherwise permitted by the Town through the Building Inspector or his or her designee;*
3. *Construction equipment and materials shall be stored in safe, secure and non-obstructive locations on the site or as otherwise permitted by the Town through the Building Inspector or his or her designee;*
4. *Construction equipment and materials no longer to be used on the site, shall be removed from the site within 14 calendar days, unless other otherwise permitted by the Town through the Building Inspector or his or her designee;*
5. *A drive entrance pad, or its equivalent, shall be placed, utilized, and maintained on site to provide an area where construction vehicles entering and exiting the building site can remove mud and sediment from tires prior to driving on public or private ways, unless determined technically infeasible by the Building Inspector or his or her designee;*
6. *In interests of public safety and protecting abutting property owners, lateral supports shall not be removed from any footing or foundation without first protecting such footings or foundations against settlement or lateral translation.*

D. Violations and Fines

Violations of the foregoing requirements shall be determined by the Inspectional Services Department. A fine of \$50 per category of violation per day for the first seven (7) calendar days of such violations or violations shall be imposed upon

notification of the Building Inspector. A fine of \$100 per category of violation or violations per day shall be imposed thereafter until conditions are corrected and the construction site is in compliance with each of the foregoing requirements.

ARTICLE 14

BYLAW AMENDMENT/RESIDENTIAL CONSTRUCTION, OPEN EXCAVATION, AND DEMOLITION ACTIVITY REGULATIONS: NOISE ABATEMENT

To see if the Town will vote to amend the Town Bylaws to further prohibit construction as defined therein without reasonable use of mitigation measures to limit nuisance noise, including but not limited to, provision of noise reducing barriers where feasible on sites abutting residential properties, and limiting the use of noise generating equipment; and determine any fines for violations of said bylaw amendments; or take any action related thereto.

(Inserted at the request of the Town Manager and Residential Study Group)

The final Town Bylaw component of the Residential Study Group's proposals is a simple adjustment of the permissible hours of certain construction activity. By modifying the hours of operation for heavy construction equipment and smaller, loud construction equipment such as those used in drilling and breaking concrete or pavement, the Group believes it can have the bylaws better reflect the frequency and duration of many residential construction projects to protect the surrounding neighborhood from unreasonable disturbance in an objective manner.

If the Selectmen are inclined to support the Study Group's recommended adjustment to the Noise Abatement Bylaw provisions, the following motion should be considered:

VOTED: That Title V, Article 12, Section 3.A. be and is hereby amended as follows:
Section 3.Daytime-Only Activities.

The following acts are specifically prohibited.

A. *Prohibited Times. Operating, or permitting the operation of, any of the following devices or vehicles:*

1. *before 8:00 A.M. or after 5:00 p.m. on Saturday, Sunday or legal holiday*
2. *before 7:00 A.M. or after 6:00 P.M. on all other days; or;*
3. *after 8:00 P.M. on any day, in any zone in the Town;*

- a. *Heavy equipment (as defined in Section 1), and*
- b. *All electric motors or internal combustion engines, or other construction devices, tools or equipment, used in construction, drilling, demolition, maintenance, or earth moving, including but not limited to bulldozers, backhoes, concrete mixers, dump trucks, pneumatic tools, rollers, scrapers, air compressors, generators, jackhammers, cranes, pavement breakers, pile drivers, rock drills, and chainsaws.*

ARTICLE 17 BYLAW AMENDMENT/REGULATION OF PLASTIC BAGS

To see if the Town will vote to regulate or prohibit the sale or distribution of plastic bags at retail, food service, and other establishments; or take any other action related thereto.

(Inserted at the request of Jim Ballin and ten registered voters)

This article was inserted by the resident petition of Mr. Jim Ballin and I anticipate that he and will present the Board with information on the purpose and benefits of a bylaw amendment to reduce the use of plastic bags in retail establishments in Arlington. I note for your information that similar ordinances or bylaws are in effect in a number of neighboring communities including Brookline, Cambridge, Concord, Newton, Somerville, and Watertown. Informed by those communities' existing bylaws and ordinances, if the Board is inclined to support this article, a motion to amend Arlington's Town Bylaws would be as follows:

VOTED: *That Title VIII (Public Health and Safety) be and hereby is amended by adding a new "Article 9: Plastic Bag Reduction" to read as follows:*

ARTICLE 9: PLASTIC BAG REDUCTION

Section 1. Purpose and Intent

The reduction in the use of disposable single-use plastic shopping bags by retail establishments in the Town of Arlington ("Town") is a public purpose that has positive impacts on the environment, including, but not limited to: protecting the marine environment, reducing solid

waste and unnecessary strains on recycling resources, reducing the Town's carbon footprint, and protecting local water ways.

As such, this bylaw seeks to reduce the number of single-use plastic bags by all retail and grocery stores in the Town of Arlington, on or before January 1, 2018 for retail establishments with a floor area equal to or exceeding 10,000 square feet, and April 1, 2018 for retail establishments with a floor area of less than 10,000 square feet.

Section 2. Definitions

- A. Director: The Director of Health and Human services
- B. Department: The Arlington Department of Health and Human Services
- C. Disposable, Single-Use Plastic Shopping Bag: Any checkout bag made predominately of plastic derived from either petroleum, natural gas, or a biologically based source, such as corn or other plant sources, which is provided to a customer at the point of sale. The term, "disposable single-use plastic shopping bag" includes:
 - (1) Degradable plastic bags; and
 - (2) Biodegradable plastic bags that are not commercially compostable as well as commercially compostable plastic bags.

The term "disposable single-use plastic shopping bag" shall not include:

- (1) Reusable bags;
- (2) Produce bags; or
- (3) Product bags.

As used in this definition, the terms "produce bag" or "product bag" signify any bag without handles used exclusively to carry produce, meats or other food items to the point of sale inside a store or to prevent such food items from coming into direct contact with other purchased items.

- D. Checkout bag: A carry-out bag provided by a retail store to a customer at the point of sale. Checkout bags shall not include:
 - (1) Bags, whether plastic or not, In which loose produce or products are placed by the consumer to deliver such items to the point of sale or checkout area of the retail establishment;
 - (2) Laundry or dry cleaner bags;

(3) *Newspaper bags; or*

(4) *Bags used to contain or wrap frozen goods, meat or fish, whether prepackaged or not, to prevent or contain moisture.*

E. *Reusable bag: A bag specifically designed and manufactured for multiple reuse, manufactured from polyester, polypropylene, cotton or other durable material, which also meets the following requirements:*

(1) *Has a minimum lifetime capability of 125 or more uses carrying 22 or more pounds; and*

(2) *Is machine washable or is made of a material that can be cleaned or disinfected at least 125 times.*

F. *Recyclable Paper Bag: A paper bag that is 100 percent recyclable and contains at least 40 percent post-consumer recycled content, and displays the words "Recyclable" and "made from [at least] 40% post-consumer recyclable content" in a visible manner on the outside of the bag."*

G. *Retail Establishment: Any commercial enterprise, whether for or not-for-profit, including, but not limited to the following: restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses, jewelry stores, and household goods stores.*

Section 3. Restrictions on Use of Disposable Plastic Shopping Bags

A. *No retail establishment as defined in section 2 shall provide a disposable plastic shopping bag to any customer for the purpose of enabling the customer to carry away goods from the point of sale.*

1. *This section shall not preclude any retail establishment from making reusable bags available for sale or customer use or utilizing recyclable paper bags at the point of sale or other checkout point.*
2. *The Director may additional promulgate rules and regulations to implement this section consistent with the foregoing.*

Section 4. Penalties and Enforcement

A. *Each Retail establishment as defined in section 2, above, located in the Town of Arlington shall comply with this by-law.*

1. *If it is determined that a violation has occurred, the Director or his or her designee in the Department shall first issue a "warning notice" to the Retail Establishment for the initial violation.*

2. *If after 14 days from receipt of the warning notice, an additional or continued violation of this by-law occurs, the Director shall issue a notice of violation and shall impose a penalty against the retail establishment.*
 3. *The penalty for each violation that occurs after the issuance of the warning notice shall be no more than:*
 - (i) *\$50.00 for the first offense;*
 - (ii) *\$100 for the second offense;*
 - (iii) *\$150 for each and all subsequent offenses.*
 4. *No more than one (1) penalty shall be imposed upon a retail establishment within a seven (7) calendar day period.*
 5. *Retail establishments shall have fifteen (15) calendar days after the date that a notice of violation is issued to pay the penalty.*

A. *The Director shall promulgate additional guidelines and regulations necessary for the effective enforcement of this bylaw, consistent with the foregoing.*

Section 5. Effective Date and Waivers

All of the requirements set forth in this by-law shall take effect on or before January 1, 2018 for retail establishments with a floor area equal to or exceeding 10,000 square feet, and April 1, 2018 for retail establishments with a floor area of less than 10,000 square feet. In the event that compliance with the effective date of his by-law is not feasible for a food service establishment because of either unavailability of alternative checkout bags or economic hardship, the Director may grant a waiver of not more than six months upon application of the owner or owner's representative. The waiver may be extended for one (1) additional six-month period upon showing of continued infeasibility as set forth above.

Section 6. Severability

The provisions of this section are severable; and if any of the provisions of this section shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

ARTICLE 26**ACCEPTANCE OF LEGISLATION/ESTABLISHMENT OF A
PARKING BENEFITS DISTRICT**

To see if the Town will vote to accept provisions of Chapter 218 of the Acts of 2016 ("An Act Modernizing Municipal Finance and Government") Sections 26, 27 and 30, allowing the Town to establish Parking Benefits Districts, in which parking revenue collected therein may be designated in whole or in part for use in that district through a dedicated fund in accordance with the purposes and uses listed in Section 22A of Chapter 40; or take any action related thereto.

(Inserted at the request of the Town Manager)

Acceptance of this provision of the Massachusetts Municipal Modernization Act will enable the Town to establish "Parking Benefits Districts." In short, this allows the Town to segregate parking revenues from other receipts and expend them for use in a designated geographic area for a wide range of purposes such as: acquisition, installation, maintenance and operation of parking meters and other parking payment and enforcement technology; the regulation of parking, salaries of parking management personnel; improvements to the public spaces; and transportation improvements, including mass transit and facilities for biking and walking.

If the Board is so inclined to support this acceptance, the language of a motion to such effect would be as follows:

VOTED: *That the Town does hereby adopt provisions of Chapter 218 of the Acts of 2016 ("An Act Modernizing Municipal Finance and Government"), Sections 26, 27 and 30 regarding the authorization to establish Parking Benefits Districts in the Town of Arlington, including any subsequent amendments or modifications thereto, such adoption shall be effective upon acceptance.*

ARTICLE 29**ENDORSEMENT OF CDBG APPLICATION**

To see if the Town will vote to endorse the application for Federal Fiscal Year 2018 prepared by the Town Manager and the Board of Selectmen under the Housing and Community Development Act of 1974 (PL 93-383) as amended; or take any action related thereto.

(Inserted by the Board of Selectmen and at the request of the Town Manager)

annual standard CDBG article. The Board should receive a proposed vote from the Director of Planning and Community Development along with further details.

ARTICLE 30**BYLAW AMENDMENT/DEPARTMENTAL REVOLVING FUND BYLAW**

To see if the Town will vote to amend the Town Bylaws by adding a new section to establish and authorize revolving funds for use by certain town departments, boards, committees, agencies or officers under Massachusetts General Laws Chapter 44, § 53E½; or take any action related thereto.

(Inserted at the request of the Town Manager)

While the Comptroller and the Town Manager will present further information on this article, the essential aspects are that the Municipal Modernization Act simplified the process for the establishment and use of funds from which departmental expenditures can be made without further appropriation from such departments' revenues. Presently, revolving funds must be re-established prior to each fiscal year by a Town Meeting vote. However, if Town Meeting approves a Revolving Fund Bylaw, the Town can streamline revolving fund administration so that only the total budget amount of funds need be annually re-authorized. The Department of Revenue has recommended language for revolving fund bylaws and ordinances as follows:

VOTED: That Title I be and hereby is amended to add a new article, "Article 20: Departmental Revolving Funds" to read as follows:

DEPARTMENTAL REVOLVING FUNDS

Section 1. Purpose.

This by-law establishes and authorizes revolving funds for use by town/city departments, boards, committees, agencies or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, § 53E½.

Section 2. Expenditure Limitations.

A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law without appropriation subject to the following limitations:

- A. *Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.*
- B. *No liability shall be incurred in excess of the available balance of the fund.*
- C. *The total amount spent during a fiscal year shall not exceed the amount authorized by Town Meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Town Manager and Finance Committee*

Section 3. Interest.

Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the general fund.

Section 4. Procedures and Reports.

Except as provided in General Laws Chapter 44, § 53E½ and this by-law, the laws, charter provisions, by-laws, rules, regulations, policies or procedures that govern the receipt and custody of Town monies and the expenditure and payment of Town funds shall apply to the use of a revolving fund established and authorized by this by-law.

The Town Comptroller shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in

the regular report the Town Comptroller provides the department, board, committee, agency or officer on appropriations made for its use.

5. Authorized Revolving Funds.

[Here the Town has options to consider in terms of how it will present each of its revolving funds, which list the name of each fund, its purpose(s), the departments and officers authorized to use the funds, and other conditions, limitations, and requirements including reporting requirements for each fund].

ARTICLE 31

REVOLVING FUNDS

To see if the Town will vote to reauthorize revolving funds established under various previous votes of the Town, to hear or receive a report concerning the receipts and expenditures of same, to establish new revolving funds or to amend the votes under any previously adopted revolving funds, to appropriate a sum of money to fund same, to determine how the money shall be raised or expended; or take any action related thereto.

(Inserted by the Board of Selectmen)

This article represents our standard annual warrant article and the present manner in which revolving funds are examined by Town Meeting. The Board should receive proposed votes from the Comptroller.

OFFICE OF THE BOARD OF SELECTMEN

DIANE M. MAHON, CHAIR
DANIEL J. DUNN, VICE CHAIR
KEVIN F. GREELEY
STEVEN M. BYRNE
JOSEPH A. CURRO, JR.



730 MASSACHUSETTS AVENUE
TELEPHONE
781-316-3020
781-316-3029 FAX

TOWN OF ARLINGTON MASSACHUSETTS 02476-4908

February 17, 2017

Dear Registered Voter:

The Warrant Article Hearing for:

Article #17 Bylaw Amendment/ Regulation of Plastic Bags

originally scheduled for Monday February 27, 2017 has been rescheduled to Monday, March 13, 2017 at 6:00 p.m. in the Selectmen's Chambers, 2nd Floor, Town Hall.

Please feel free to contact Mary Ann or Fran in my office at the above number to confirm or if you require any further information.

Thank you.

Very truly yours,
BOARD OF SELECTMEN

Marie A. Krepelka
Marie A. Krepelka
Board Administrator

MAK:fr

ARTICLE 17**BYLAW AMENDMENT/REGULATION OF PLASTIC BAGS**

To see if the Town will vote to regulate or prohibit the sale or distribution of plastic bags at retail, food service, and other establishments; or take any other action related thereto.

(Inserted at the request of Jim Ballin and ten registered voters)



Town of Arlington
Department of Health and Human Services
Office of the Board of Health
27 Maple Street
Arlington, MA 02476

Tel: (781) 316-3170
Fax: (781) 316-3175

MEMO

To: Board of Selectmen
From: Christine Bongiorno, Director of Health and Human Services *(CB)*
Date: March 9, 2017
RE: Town Meeting Warrant Articles

I write to inform you that the Board of Health met on March 8, 2017 and voted unanimously to support the following Warrant Articles as submitted:

• ARTICLE 14 BYLAW AMENDMENT/RESIDENTIAL CONSTRUCTION, OPEN EXCAVATION, AND DEMOLITION ACTIVITY REGULATIONS: NOISE ABATEMENT

"To see if the Town will vote to amend the Town Bylaws to further prohibit construction as defined therein without reasonable use of mitigation measures to limit nuisance noise, including but not limited to, provision of noise reducing barriers where feasible on sites abutting residential properties, and limiting the use of noise generating equipment; and determine any fines for violations of said Bylaw Amendments; or take any action related thereto."

(Inserted at the request of the Town Manager and Residential Study Group)

• ARTICLE 17 BYLAW AMENDMENT/REGULATION OF PLASTIC BAGS

"To see if the Town will vote to regulate or prohibit the sale or distribution of plastic bags at retail, food service, and other establishments; or take any other action related thereto."

(Inserted at the request of Jim Ballin and ten registered voters)

Please do not hesitate to contact me should you need additional information regarding this matter.



**Town of Arlington
Office of the Town Manager**

**Jim Feeney
Assistant Town Manager**

**730 Massachusetts Avenue
Arlington MA 02476-4908
Phone (781) 316-3010
E-mail: jfeeney@town.arlington.ma.us
Website: www.arlingtonma.gov**

To: Adam Chapdelaine, Town Manager

From: Jim Feeney, Assistant Town Manager

RE: Article 17- Regulation of Plastic Bags

Date: March 9, 2017

Thank you for the opportunity to work with the proponents of this warrant article to discuss probable details of the bylaw and evaluate the potential impacts of the same in the community. As part of my review, I reached out to nearby communities with similar bans in place. This memo intends to share with you some highlights and personal conclusions based on my review.

In conversations with officials in Brookline, Cambridge, and Somerville in mid-February, I learned their respective plastic bag legislation was generally well-received. As it relates to enforcement in particular, the demand on resources is greatest during the initial roll-out of the restrictions. Providing education and information about alternative resources to retailers is key during this phase. Moreover, I found Somerville had only been called on to investigate 4 complaints after the initial roll-out and Cambridge had issued a few warnings but no fines. To me this indicates a high rate of self-compliance on the part of retailers and a decreasing need over time for potentially time-consuming enforcement activities. Here, it is also worth mentioning that since only food establishments are visited on a regular basis by Health and Human Services staff, an initial compliance check at all other applicable retailers would require additional temporary support or staffing during the roll-out period; I understand Director of Health and Human Services Christine Bongiorno has considered this point.

Representatives from Cambridge and Brookline both indicated using temporary hardship waivers on a case by case basis. This seems a helpful tool to allow for a degree of flexibility in enforcement and will allow retailers to spend down existing inventory of non-compliance bags if necessary. I would recommend a provision establishing this mechanism be included in the bylaw should it ultimately receive favorable action at Town Meeting. On a more technical note, I advised the proponents of the warrant article to strongly consider a clear definition of reusable plastic bags, which would include designating a threshold thickness, as has been done in many other municipalities. In the absence of a defined threshold thickness, there will be uncertainty in determining exactly which plastic reusable bags are compliant. For

the purposes of fostering self-compliance and simplifying code enforcement, I recommended clearly defining a threshold value somewhere above 2.25 mils, which is the industry standard for disposable plastic bags for many large retailers. This value can be quickly field confirmed with a micrometer or review of a manufacturer's cut/specification sheet.

The chosen value should protect against the use of marginally thicker plastic bags, but should also be reasonable and sensible. I cautioned the proponents about setting a threshold value significantly higher than the industry standard for single-service bags as relevant national experience has indicated this has the unintended consequence of forcing thicker bags with even more plastic to market. Both Cambridge and Somerville offered similar sentiments about these thicker plastic bags – they are hardly recycled (or recyclable), not in fact reused, and have a substantial carbon footprint –all while being made available at a very low cost to retailers. It stands to reason plastic bag manufacturers will continue to evolve, pushing the envelope as necessary to achieve compliance with increasing thresholds, so any legislation should take this into account in order to avoid this unintended consequence and remain environmentally conscious.

A common component of local plastic bag bans has been a phased implementation, effecting large retailers first and smaller retailers at some later date. In my research I found the standard cut-off for a large retailer was 10,000 square feet of floor area. With this in mind, I considered which retailers would be the first impacted here in Town:

<u>Retailer</u>	<u>Address</u>
CVS	821 Mass Ave.
Greater Boston Motor Sports*	1098 Mass Ave.
Playtime	281-283 Broadway
RW Shattuck Ace Hardware*	24 Mill St.
Stop & Shop	905 Mass Ave
Walgreens	324 Mass Ave.
Walgreens	1425 Mass Ave.

*Use of plastic checkout bags has not been verified

Other Noteworthy Establishments:

Wholefoods: While this retailer would meet the square footage threshold, they do not offer plastic bags at checkout.

Trader Joe's: Though this retailer's floor area is border line, I understand they too do not offer plastic bags at checkout.

Arlington Coal & Lumber: If the floor area calculation is cumulative, this retailer would trigger the threshold. The use of plastic checkout bags in the home center has not been verified.

CVS (23 Mass Ave): This retailer occupies 9348 square feet of finished floor area and would not be impacted during phase 1 of implementation.

Plastic Bag Ban

Warrant Article 17
Board of Selectmen Meeting
March 13, 2017

Jim Ballin, Greg Dennis, Jim DiTullio, Laura Kiesel

What would the proposed bylaw do?

- Ban single use plastic bags at checkout in stores and restaurants
- Exempt paper bags and other plastic bags



Exempt bags

Newspaper bags



Prepackaged food



Produce bags



Wrapped meats



Dry cleaning bags



Paper bags



3

How many plastic bags do we use?

- Over 100 billion plastic bags in the U.S.; 2 billion in MA
- More than 1 bag per person per day
- Grocery stores typically provide 20,000 plastic bags per week



4

How common are plastic bag bans in MA?

- There are plastic bag bans in 42 other cities and towns in MA
- Total population of over 1 million people
- MA has more local plastic bag bans than any state besides CA



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How common are plastic bag bans (cont)

- Area cities/towns with bans include: Somerville, Cambridge, Watertown, Brookline, Newton, Concord, Framingham
- Current ban votes pending in Bedford and other communities
- Statewide bans in CA and HI
- Major cities include San Francisco, LA, Seattle, Austin, Chicago



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What harm do plastic bags cause?

- Kill or harm animals, particularly marine life
- Pollute waterways and oceans
- Require petroleum (a non-renewable resource) for production
- Contribute to increased greenhouse gasses and climate change



7

What harm do plastic bags cause (cont)?

- Do not biodegrade in landfills or the environment
- Contribute to litter
- Release toxic air emissions when incinerated
- Have very low recycling rates
- Jam recycling machinery



8

Plastic bags in Arlington

Swan Place



Town Hall



Florence Ave



9

Plastic bags in Arlington (cont)

Minuteman Bikeway



Mass Ave



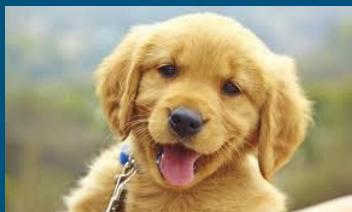
Arlington Center



10

How will this affect Arlington consumers?

- Paper bags and reusable bags available at checkout
- Reasonable exceptions for plastic (produce, newspapers, etc)
- Plenty of bags available for pet waste
- No increased consumer costs



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Plastic bags are not “free”

- Plastic bags cost retailers 2-5 cents per bag
- Supermarkets spends \$1,500-\$6,000/month on plastic bags
- Plastic bag costs paid by consumers through higher prices



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Will this hurt Arlington businesses?

- Ban on plastic bags **reduces total disposable bag use**
- Plus revenue from reusable bag sales
- Many retailers rely primarily on paper bags already
e.g. Shattuck, Whole Foods, Not Your Average Joe's, Trader Joe's



13

Best practices from retailers

- Longer phase-in for small retailers and waiver process
- Retailers can offer discounts for bringing your own bag
- Businesses can offer reusable bags with their logo



14

Implementation and Enforcement

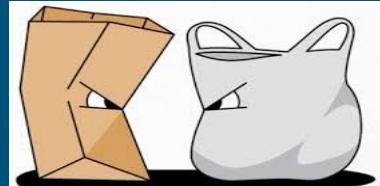
- Large retailers will have until March 1, 2018 to comply
- Small retailers will have until July 1, 2018 (over a year)
- Enforcement by Board of Health:
 - Warning only for first violation
 - Subject to penalty for subsequent violations
- Bag bans require little enforcement



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Is paper really any better than plastic?

- Reusable bags are a better choice than single-use plastic or paper
- Paper has fewer post-production environmental consequences:
 - Biodegradable (decomposes without harming wildlife)
 - Made from renewable resource
 - Made from recycled materials
 - Not toxic when burned
 - Can be recycled at curbside
 - Does not clog storm drains or jam recycling machines



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Why not just promote increased recycling?

- Plastic bag and thin film recycling rates are very low (<10%)
- No curbside recycling means they will likely remain low
- Plastic bags that are recycled do not end up as new plastic bags



17

Why not charge a fee instead of a ban?

- Attorney General has blocked bag fees in other Towns
- Most of the 42 cities and towns with laws on bags have bans only
- Bans are more effective in reducing plastic bag use than fees



vs.



18

Why would this be good for Arlington?

- Reduce litter cleanup effort & costs, and Arlington blight
- Reduce storm drain cleanup costs
- Reduce costs for curbside recycling
- Reduce Arlington's carbon footprint
- Reduce toxic emissions from incineration of Arlington's trash
- Arlington would be
an environmental leader



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Who supports this?

- Arlington Recycling Committee
- Arlington Board of Health
- Massachusetts Chapter of the Sierra Club
- Mystic River Watershed Association
- Friends of Spy Pond Park
- Owners of Arlington Centered and Davis Squared
- Others pending...

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Plastic Bag Bylaw FAQ

Q. What harm do plastic bags cause?

In 2009, Guinness World Records named the plastic bag the "most ubiquitous consumer item."¹ Each year, approximately 1 trillion plastic bags are consumed worldwide, 100 billion in the U.S. alone.² These ubiquitous bags endanger our wildlife, clog our waterways, propagate environmental toxins, and litter our public spaces.

Where do all these bags wind up? The EPA reports that only 6.6% of bags and wraps made of HDPE are recycled,³ and the recycling rate of carryout bags specifically is likely far less.⁴ The billions that remain often wind up in landfills, where they may take up to 1,000 years to break down and never fully biodegrade.⁵ When plastic bags are incinerated in municipal waste, as they are in Arlington, they can release toxins into the air we breathe.⁶ Many others drift into waterways, where they choke or strangle birds, turtles, whales, and various marine creatures that mistake them for food.⁷ While plastic bags are not allowed in curbside recycling, all too many are tossed in anyway, jamming sorting machines at recycling centers.⁸

A plastic bag never truly goes away. Rather than biodegrade, they fracture into microplastic particles. When consumed by an animal, microplastics may block its digestive tract leading to starvation, and microplastic toxins in animals may eventually find their way onto our dinner table. Since they do not readily break down, plastic bags too often litter our public spaces, causing visual blight and higher litter cleanup costs.

Q. How common are plastic bag bans?

At this time, over 42 cities and towns in Massachusetts have passed their own plastic bag bans, including our neighbors Cambridge, Somerville, and Watertown,⁹ and new bans are being actively considered in other communities around the state. Similar measures have been enacted in cities and towns spanning 17 states and more than 30 countries.¹⁰

¹ "Guinness World Records(R) Selects Top Records Of The Decade," PR Newswire, December 8, 2009.

² Clapp, Jennifer and Linda Swanston, "Doing Away with Plastic Shopping Bags: International Patterns of Norm Emergence and Policy Implementation," *Environmental Politics*, 18 (2009), 314-332.

³ Environmental Protection Agency. *Advancing Sustainable Materials Management: 2014 Tables and Figures*. December, 2016.

⁴ "2009 Statewide Recycling Rate for Plastic Carryout Bags." CalRecycle
<http://www.calrecycle.ca.gov/plastics/atstore/annualrate/2009rate.htm>

⁵ Lapidos, Juliet. "Will My Plastic Bag Still Be" Here in 2507?" *Slate*, June 2007.

⁶ Valavanidis A, Iliopoulos N, Gotsis G, Fiotakis K. "Persistent free radicals, heavy metals and PAHs generated in particulate soot emissions and residue ash from controlled combustion of common types of plastic." *J. Hazard. Mater.* 2008;156:277-284.

⁷ United Nations Environmental Programme. "Marine Litter-Trash that kills". 2001.
<http://www.unep.org/regionalseas/marinelitter/publications/default.asp>

⁸ Elejalde-Ruiz, Alexia. "Plastic bags a headache for recyclers." *Chicago Tribune*. 30 July 2015.

⁹ Baglaws.com. <http://www.baglaws.com/legislation.php?state=Massachusetts>

¹⁰ "Phase-out of lightweight plastic bags." *Wikipedia*.

https://en.wikipedia.org/wiki/Phase-out_of_lightweight_plastic_bags

Q. Would all plastic bags be banned or are there reasonable exceptions?

The ban would only apply to plastic bags that are *single-use* and *provided at the point of sale* (aka the checkout line). Produce bags for fruits and vegetables would be allowed, since they are not provided at checkout, as would newspaper bags, dry cleaning bags, meat and poultry bags, and bags for pre-packaged items, like bread. Retailers would also be free to offer *reusable* plastic bags at the checkout counter, and in fact the Stop & Shop in Arlington already offers such reusable bags at checkout for 10 cents a piece.

Plastic bags provided by restaurants as part of take-out or delivery service would also be disallowed by this by-law. "Doggy bags" provided to take home leftover food would not be subject to the ban, because such bags are a by-product of a service, not for a standalone purchased retail item.

Q. Will this increase costs for businesses and consumers?

Plastic bags already cost stores and consumers today. Stores typically pay between 2 to 5 cents per single-use plastic bag.¹¹ For supermarkets, the total estimated cost of plastic bags ranges from \$1,500 to \$6000 a month,¹² and this cost is passed onto customers through higher prices. They are not as "free" as they may appear to be.

While paper bags generally cost more per-bag than plastic, mitigating factors offset the higher per-bag price. Experience in other communities with plastic bag bans shows that such bans typically boost reusable bag usage, and consequently decrease the *total* number of disposable bags stores provide. Plus, increased sales of reusable bags themselves become an additional revenue stream for the stores. A 2013 study by the non-partisan Equinox Center of three plastic bag bans in California found a 40% increase in reusable bag usage after implementation of the ban, and as a result, "no sustained negative impact to retailers."¹³ A separate study of the Richmond, California plastic bag ban found a 35-79% decrease in total disposable bag usage following the ban, and a 4-29% increase in reusable bag sales, depending on the type of store.¹⁴ Stores may further reduce bag costs by offering discounts to customers that bring their own, as Whole Foods Arlington already does, or offering a raffle incentive, as the Trader Joe's in Arlington does.

The ban would be phased in with large chain retailers in the town, like CVS, Walgreens, and Stop & Shop having to comply by March 1, 2018, and smaller retailers having to comply by July 1, 2018. Large retailers have the financial resources to absorb transitional costs, and have already adapted to similar bans in cities and towns around Massachusetts, including Somerville and Cambridge. Some large retailers in Arlington already primarily rely on providing paper bags at checkout, not plastic. Smaller retailers are granted a longer phase-in period to deplete their existing plastic bag stock.

¹¹ Los Angeles County (Aug. 2007). "An Overview of Carryout Bags in Los Angeles County: Staff Report to the Board of Supervisors," Table 9. Based on assumption that average person uses about 600 plastic bags per year

¹² Downing, J. "Free Grocery Bags Targeted for Extinction in California," Sacramento Bee, Aug. 25, 2008.

Estimates from bag manufacturers and the Food Marketing Institute.

¹³ Plastic Bag Bans: Analysis of Economic and Environmental Impacts. Equinox Center. October 2013.

¹⁴ Taylor, Rebecca L. "Bans vs. Fees: Disposable Carryout Bag Policies and Bag Usage." Appl Econ Perspect Policy (2016) 38 (2): 351-372. Sep. 27, 2015.

Lastly, plastic bag bans are not new to Massachusetts. There's no evidence of a negative economic impact to the 42 other cities and towns that have enacted similar bans.

Q. Aren't paper bags bad for the environment too?

Yes, the manufacturing of any disposable bag exacts an environmental cost, but when considering the overall environmental impact, on balance paper is preferable to plastic. Paper bags typically degrade in a couple months, while plastic bags may take 1,000 years to breakdown and never truly biodegrade. Paper bags can be composted or recycled at the curbside; plastic bags thrown into curbside bins jam up recycling machines. Paper bags don't choke our wildlife, tangle themselves in our trees, or burden our bodies with toxins.

More to the point, a ban on plastic bags is part of a larger cultural shift toward shoppers bringing their own *reusable* bags, reducing total disposable bag usage, paper or plastic. The above-mentioned Equinox Center study of plastic bag bans in California found 84% of consumers turned to reusable bags or no bag, as opposed to only 16% who resorted to paper bags.

Q. Instead of a ban, why not charge a fee for plastic bags and maybe a fee for paper bags, too?

Other towns in MA have tried to impose a fee on disposable bags, but the Attorney General's Office has ruled such a fee to be impermissible under the Home Rule Amendment to the State's Constitution. Bans, on the other hand, have been upheld as permissible under local authority. While a city, like Cambridge, has the authority to impose a fee on paper bags, a town like Arlington may not.

All 42 cities and towns in Massachusetts that have restricted plastic bag use have enacted bans, not fees, so Arlington's ban would be consistent with what other Massachusetts communities have done.

Q. How will the ban be enforced?

The plastic bag ban in Arlington would be enforced by the Board of Health. Experience in other communities has shown that plastic bag bans require little enforcement. Most stores will self-comply, and customers can assist with compliance by reporting violations to store management or to the Board of Health. The Board of Health already inspects food establishments, where most bags are distributed today, so this is just one more item on the checklist.

Q. What if I use plastic bags for trash and pet waste?

Considering the average American family consumes 1,500 single-use plastic bags a year, it is unlikely they are all being repurposed for trash and pet waste. Even so, plastic bags won't be going away entirely. The ban only applies to single-use plastic bags offered at retail check-out lines, so there will still be produce bags, bread bags, newspaper bags, and other kinds of bags to reuse.

Plastic Bag Bans in MA (42)

Adams	Manchester-by-the-Sea
Amherst	Marblehead
Aquinnah	Mashpee
Barnstable	Nantucket (biodegradable packaging)
Bourne	Natick (approved by voters; still in council)
Bridgewater	Newburyport
Brookline	Newton
Cambridge	Northampton
Chatham	Plymouth
Chilmark	Provincetown
Concord	Salem
Dennis	Sandwich
Edgartown	Shrewsbury
Falmouth	Somerville
Framingham	Tisbury
Great Barrington	Truro
Hamilton	Watertown
Harwich	Wellesley
Ipswich	Wellfleet
Lee	West Tisbury
Lenox	Williamstown

Proposed Plastic Bag Bans in MA (10)

(for vote in Spring 2017)

Arlington	Lincoln
Athol	Oak Bluffs
Bedford	Wayland
Duxbury	Weston
Grafton	Yarmouth

Source: MassGreen Network; Baglaws.com
(as of March 8, 2017)

Title VIII – Public Health and Safety

Article 9. Plastic Bag Reduction

Section 1. Purpose and Intent

The reduction in the use of disposable single-use plastic shopping bags by retail establishments in the Town of Arlington (“Town”) is a public purpose that has positive impacts on the environment, including, but not limited to: protecting the marine environment, reducing solid waste and unnecessary strains on recycling resources, minimizing litter, reducing the Town’s carbon footprint, and protecting local water ways.

The purpose of this bylaw is to reduce the number of single-use plastic bags provided by all retail establishments in the Town by banning, after a reasonable phase-in period, the distribution of single-use plastic bags provided at checkout.

Section 2. Definitions

- A. *Checkout Bag:* A carry-out bag provided by a retail establishment to a customer at the point of sale. Checkout bags shall not include:
 - (1) Bags, whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or checkout area of the retail establishment;
 - (2) Laundry or dry cleaner bags;
 - (3) Newspaper bags; or
 - (4) Bags used to contain or wrap frozen goods, meat or fish, whether prepackaged or not, to prevent leakage or contain moisture.
- B. *Department:* The Arlington Department of Health and Human Services
- C. *Director:* The Director of Health and Human services
- D. *Disposable, Single-Use Plastic Shopping Bag:* Any checkout bag made predominately of plastic derived from either petroleum, natural gas, or a biologically based source, such as corn or other plant sources, which is provided to a customer at the point of sale. The term, “disposable single-use plastic shopping bag” includes:
 - (1) Degradable plastic bags; and
 - (2) Biodegradable plastic bags that are not commercially compostable as well as commercially compostable plastic bags.

The term “disposable single-use plastic shopping bag” shall not include:

- (1) Reusable bags;
- (2) Produce bags; or
- (3) Product bags.

As used in this definition, the terms “produce bag” or “product bag” mean any bag without handles used exclusively to carry produce, meats or other food items to the point of sale inside a store or to prevent such food items from coming into direct contact with other purchased items.

E. *Reusable Bag*: A sewn bag with stitched handles that is: specifically designed and manufactured for multiple reuse; manufactured from polyester, polypropylene, cotton or other durable material excluding polyethylene or polyvinyl chloride; and which also meets the following requirements:

- (1) Can carry at least 25 pounds over a distance of 300 feet;
- (2) Is machine washable or is made of a material that can be cleaned or disinfected at least 125 times; and
- (3) Is at least 4 millimeters thick.

F. *Recyclable Paper Bag*: A paper bag that is 100 percent recyclable and contains at least 40 percent post-consumer recycled content, and displays the words “Recyclable” and “made from [at least] 40% post-consumer recyclable content” in a visible manner on the outside of the bag.

G. *Retail Establishment*: Any commercial enterprise, whether for or not-for-profit, including, but not limited to the following: restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses, jewelry stores, household goods stores and any other business that offers the sale and display of merchandise.

Section 3. Restrictions on Use of Disposable Plastic Shopping Bags

- A. No retail establishment, as defined in section 2, shall provide a disposable plastic shopping bag to any customer for the purpose of enabling the customer to carry away goods from the point of sale.
1. This section shall not preclude any retail establishment from making reusable bags available for sale to customers or utilizing recyclable paper bags at the point of sale or other checkout point.

2. The Director may promulgate additional rules and regulations to implement this section consistent with the foregoing.

Section 4. Penalties and Enforcement

- A. Each retail establishment, as defined in section 2, located in the Town shall comply with this by-law.
1. If it is determined that a violation has occurred, the Director, or his or her designee in the Department, shall first issue a “warning notice” to the retail establishment for a first time violation.
 2. If after 14 days from receipt of the warning notice, the retail establishment continues to violate this by-law or commits a second violation, the Director shall issue a notice of violation and shall impose a penalty against the retail establishment.
 3. The penalty for each violation that occurs after the issuance of the warning notice shall be no more than:
 - (i) \$50.00 for the first offense;
 - (ii) \$100 for the second offense;
 - (iii) \$150 for the third and all subsequent offenses.
 4. No more than one penalty shall be imposed upon a retail establishment within a seven calendar day period.
 5. Retail establishments shall have 15 calendar days after the date that a notice of violation is issued to pay the penalty or request a hearing in writing to the Director.

- B. The Director may promulgate additional guidelines and regulations necessary for the effective enforcement of this bylaw, consistent with the foregoing.

Section 5. Effective Date

All of the requirements set forth in this by-law shall take effect on or before March 1, 2018, for retail establishments with a floor area equal to or exceeding 10,000 square feet, and on or before July 1, 2018, for retail establishments with a floor area of less than 10,000 square feet.

Section 6. Waivers

In the event that compliance with the effective date of this by-law is not feasible for a retail establishment because of either unavailability of alternative checkout bags or economic hardship, the Director may grant a waiver of not more than six months upon application of the owner or

owner's representative. The Director may provide one additional six-month waiver upon showing of continued infeasibility or hardship, as set forth above.

Section 7. Severability

The provisions of this bylaw are severable; and if any of the provisions of this bylaw shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.



50 Federal Street, 3rd floor
Boston MA 02110
(617) 423-5775
www.sierraclubmass.org

March 7, 2017

Dear Arlington Town Meeting:

The Massachusetts Chapter of the Sierra Club has been actively supporting efforts to curb the use of single-use polyethylene bags at the state and local levels. Bag laws are part of a campaign to reduce unnecessary plastic waste and increase sustainability. In the last four years, more than 40 communities across the state have passed local bag laws led by Boston-area communities. This represents over 1 million residents. Arlington fits with this continuous group of municipalities with bag regulation: Somerville, Cambridge, Brookline, Newton, Watertown, Wellesley, Natick and Framingham.

Arlington residents use more than **1 million polyethylene shopping bags per month**. There is no excuse for single-use shopping bags made of petrochemicals derived from non-renewable, fracked natural gas and oil. Recycling cannot solve the waste problem, because it is inconvenient and has resulted in return rates of only 5%. Furthermore, bags are usually downcycled into non-recyclable products such as plastic lumber, which relies on the production of even more bags. Eliminating bags from the waste stream will be a significant positive environmental action. Eliminating such non-biodegradable packaging will also beautify the Town by reducing the unsightly and permanent litter that thin plastic bags have caused. As litter, bags can be carried from the Mystic River into the Atlantic Ocean, harming marine life all along the way. Bags eventually become micro-particles which can be ingested by aquatic animals and enter the human food chain.

The Massachusetts Sierra Club strongly endorses your comprehensive bag law. The Massachusetts Sierra Club commends the Town on efforts to restrict the use of single-use polyethylene bags, and at the same time make paper and reusable bags more sustainable.

We hope Arlington can join the rapidly growing rank of cities and towns that have passed similar legislation. **We urge you to support the passage of Article 17 at Town Meeting.**

Respectfully,

Emily Norton
Mass. Sierra Club, Chapter Director
emily.norton@sierraclub.org



Mystic River Watershed Association
your community • your watershed

March 8, 2017

Dear Arlington Town Meeting:

On behalf of the Mystic River Watershed Association, I am writing to support Article 17, a bylaw amendment that will “regulate or prohibit the sale or distribution of plastic bags at retail, food service, and other establishments.”

The Mystic River Watershed Association (MyRWA) is a non-profit organization dedicated to the preservation and enhancement of the Mystic River Watershed. The mission of MyRWA is to protect and restore the Mystic River, its tributaries, and watershed lands for the benefit of present and future generations and to celebrate the value, importance, and great beauty of these natural resources. Throughout our 45 years of environmental restoration efforts, we have seen the impact of plastic waste on our river ecosystems – it inhibits natural hydrologic flows, harms marine animals and blights the waterfront open spaces that people enjoy.

In addition to reducing litter, bag laws reduce unnecessary plastic waste and increase sustainability. In the last four years, more than 40 communities across the state have passed local bag laws led by Boston-area communities. This represents over 1 million residents. Arlington has the opportunity to join with and extend this continuous group of municipalities with bag regulation: Somerville, Cambridge, Brookline, Newton, Watertown, Wellesley, Natick and Framingham.

We know that Arlington residents use more than 1 million polyethylene shopping bags per month, so eliminating bags from the waste stream will be a significant positive environmental action.. Unfortunately, there is no sustainable alternative to bag regulation that can achieve the same level of environmental benefit. There are already recycling locations for single-use plastic bags at many businesses and other locations, but these have proven inconvenient for consumers and generated return rates of only about five percent. Even when bags are collected, they are usually downcycled into non-recyclable products that only serve to create more demand for single-use bags. Because plastic bags are made of petrochemicals derived from non-renewable resources such as fracked natural gas and oil, the impact of this demand is highly detrimental. MyRWA strongly endorses your comprehensive bag law and commends the Town on efforts to restrict the use of single-use polyethylene bags, and at the same time make paper and reusable bags more sustainable. We hope Arlington can join the rapidly growing rank of cities and towns that have passed similar legislation.

On behalf of the Mystic River Watershed Association,

Patrick Herron
Executive Director

Serving Twenty-Two Communities

Arlington Belmont Burlington Cambridge Charlestown Chelsea East Boston Everett Lexington Malden Medford
Melrose Reading Revere Somerville Stoneham Wakefield Watertown Wilmington Winchester Winthrop Woburn



Friends of Spy Pond Park, Inc.

*P.O. Box 1051
Arlington, MA 02474
www.friendsofspypondpark.org*

March 6, 2017

Dear Board of Selectmen:

I am writing to you on behalf of the Friends of Spy Pond Park to support the current effort to curb the use of single-use polyethylene bags in Arlington. We can embrace this bag law as part of Arlington's campaign to reduce unnecessary plastic waste and increase sustainability joining contiguous communities of Somerville and Cambridge. Eliminating such non-biodegradable packaging will also beautify the Town by reducing the unsightly and permanent litter that thin plastic bags have caused caught in treetops and blowing around parklands.

The Friends of Spy Pond Park endorses this comprehensive bag law. We commend the Town on efforts to restrict the use of single-use polyethylene bags, and at the same time make paper and reusable bags more sustainable. We urge you to support the passage of Article 17 at Town Meeting.

Sincerely,

Karen L. Grossman
President
Friends of Spy Pond Park



Arlington Recycling Committee

Diane Mahon, Chair
Board of Selectmen
Town of Arlington
Arlington, MA 02476

March 13, 2017

RE: Article 17 – Regulation of Plastic Bags

Dear Ms. Mahon:

The Arlington Recycling Committee (ARC) is charged with advising and working with the Town of Arlington to reduce generation of non-recyclable municipal solid waste, and to encourage behaviors of “reduce, re-use and recycle” among Arlington residents and businesses. ARC was pleased to meet with the plastic bag ban proponents at its March 2nd meeting for a productive discussion.

Frankly, in communities like Arlington, that have adopted “single-stream recycling,” plastic bag contamination is a big problem when they’re placed into residential blue bins. Our town’s contracted recycling facility GreenWorks tells us how plastic bags interfere with the efficient sorting and processing of our recyclables, and sometimes cause machinery mishaps that take hours to deal with.

Locally, we know that Arlington residents use more than 5 million polystyrene shopping bags per year. And we know that recycling/collection points (locally only at Whole Foods and Stop & Shop) capture less than 5% of these. What happens to the rest? For Arlington, they are incinerated along with the rest of our municipal solid waste. These bags are non-essential, and, as you know, they are made from petrochemicals derived from non-renewable, fracked natural gas and oil.

Eliminating bags from the waste stream will have a significant and positive environmental impact. Eliminating the sale and distribution of these bags will promote a consumer behavioral shift that will benefit the Town of Arlington in so many ways, and, according to our own research and that of the Town Manager, will have little or no negative impact on the businesses that the ban will affect.

Therefore, the Arlington Recycling Committee voted unanimously to support the passage of Article 17 at Town Meeting.

Paul Goldberg
Recycling Committee Co-chair

Larry Slotnick
Recycling Committee Co-chair

cc: Adam Chapdelaine, Town Manager

From: lorene melvin <melvinlorene@gmail.com>
To: mkrepelka@town.arlington.ma.us
Date: 03/06/2017 11:59 AM
Subject: Plastic bags need to be banned

As a concerned citizen I am asking for you to ban plastic bags in our town. I clean up areas around Alewife Brook and the number one item is plastic bags. It's such a pollutant and animal killer that we can live without. Please follow our neighboring cities and towns by banning plastic bags.

Thanks

Lorene Melvin
27 Lafayette Street
Arlington

Sent from my iPhone

From: Erik <iotasubscript@gmail.com>
To: mkrepelka@town.arlington.ma.us
Date: 03/13/2017 12:26 PM
Subject: Plastic Bag Ban

Hello

I am emailing in support of the plastic bag ban proposed for Arlington.

As I understand it, Arlington is in a good place to enact this ban. We won't be the first, as many communities nearby have already enacted similar measures.

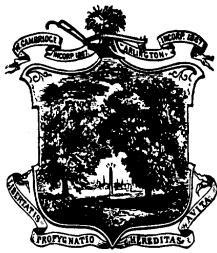
We also will position ourselves to have a say in how a ban looks prior to the state enacting a similar ban in a few years. Local businesses should enjoy the 1-year phase in, and should understand that this is going to happen at a state level, that Arlington is doing this to make sure Arlington's interests are represented.

A ban state's Arlington's commitment to the environment: places like Spy Pond and other natural resources of Arlington are immediately affected by a lack of waste plastic bags and long-term affected by the impact the reduction in plastic bags will have over climate change and landfills.

It is the right thing to do for Arlington, and it is the right thing to do overall.

Erik

TOWN OF ARLINGTON



Report to Annual Town Meeting 2017 Article 29 Endorsement of CDBG Application

We are pleased to submit the Community Development Block Grant (CDBG) application for program year 43 (July 1, 2017 through June 30, 2018). Applications were due on January 30, 2017 and reviewed on February 6, 2017 at the Board of Selectmen's public hearing. The CDBG subcommittee met on February 28, 2017 and March 3, 2017 to review the applications and develop the following budget for the use of CDBG funds. This memorandum describes each of the requests and the recommended budget allocations.

The Town of Arlington expects to receive **\$1,022,830** in new grant funds from the U.S. Department of Housing and Urban Development for the period July 1, 2017 through June 30, 2018. This is a reduction of **\$10,332** from the current year's allocation. The potential reduction is based upon the percentage reduction in allocations the town received in CDBG funds from the past five years. Requests for funds totaled **\$1,754,224** which necessitated reductions in allocations. Many of the programs and activities are a continuation of ongoing programs and activities.

There is early indication that the CDBG budget may be significantly reduced or eliminated for FY18. The subcommittee factored this into consideration when allocating funds and the Department of Planning and Community Development is considering various scenarios given the possibility of moderate to more dramatic funding reductions. Therefore, should the town receive less than the expected funding, the CDBG subcommittee determined that up to \$100,000 will be reduced from both the Senior Center Accessibility project and the Housing Corporation of Arlington requests. If the reduction in funding exceeds \$100,000, then the amount beyond will be divided up among the subrecipients through an even percentage reduction to all. Exempt CDBG activities which impact staffing and future planning will not receive the same level of reductions contingent upon final budgetary allocations from the federal government. Should CDBG funding be eliminated, the town will consider a plan to address service and programming impacts.

The Town also estimates that it will receive an additional **\$75,000** in program income generated by the Arlington Home Improvement Loan Program. HUD regulations allow 15% of program income to be allocated to the public services category and the Town will utilize this income to offset the loss in CDBG funding.

The following is a summary of the requests for funds and the corresponding recommended allocations. All requests have been placed into one of five categories: *Rehabilitation/Housing, Public Services, Public Facilities and Improvements, Planning, and Administration*.

Projects/activities must meet one of the following HUD National Objectives:

Low/Moderate Income Area Benefit (LMA): the project/activity meets the needs of persons residing in an area where at least 33.33% of the residents are low or moderate income persons.

Low/Moderate Income Clientele (LMC): the activity benefits a group of persons (rather than residents in a particular area) 51% of whom are low or moderate income persons. The following groups are presumed to be Low/Moderate: abused children, battered spouses, elderly persons, and adults meeting the **U.S. Bureau of Census' Current Population Reports** definition of "severely disabled," homeless persons, illiterate adults and persons living with AIDS.

Low/Moderate Housing (LMH): The project will provide or improve permanent residential structures which, upon completion, will be occupied by low and moderate income households. This includes but is not limited to acquisition or rehabilitation. Housing can be either owner or renter occupied units in one family or multi-family structures.

Slum or Blighted Area (SBA): the project is in a designated slum/blighted area as defined under State or local law and will address conditions that qualified the area as slum or blighted.

Spot Blight (SBS): the project will prevent or eliminate specific conditions of blight or physical decay outside a slum area. Activities are limited to clearance, historic preservation, rehabilitation of buildings, but only to the extent necessary to eliminate conditions detrimental to public health and safety.

Board of Selectmen
Town Manager

Community Development Block Grant
Annual Action Plan
July 1, 2017- June 30, 2018

REHABILITATION/HOUSING

Downing Square Broadway Initiative & Portfolio Capital Improvements: This request for \$650,000 will allow the Housing Corporation of Arlington (HCA) to continue creating and rehabilitating affordable housing. Funds will be used to cover pre-development costs for the construction of 117 Broadway and for capital improvements to existing affordable rental housing owned by HCA. This project is expected to benefit 75 individuals and complies with national objective LMH. Funding is recommended at \$410,000.

Arlington Home Improvement Loan Program: The Arlington Home Rehabilitation and Weatherization Office submitted a \$375,000 request to continue a loan program that assists property owners of one- to four-family homes with the renovation of their properties. The Arlington Home Improvement Loan Program (AHILP) offers financial assistance to low- and moderate-income residents by providing low-interest (1.75 %) and deferred-payment loans with CDBG funds. The loans enable the owners to make repairs, bring properties into compliance with building, health and safety code standards, and abate lead-based paint. The Arlington Home Rehabilitation Office also provides technical and contractor procurement services. This project is expected to benefit 15 households and complies with national objective LMC. Due to an ongoing and significant reduction in qualifying loan applications, funding is recommended at \$75,000.

Affordable Housing Program Delivery: This request for \$27,121 submitted by the Department of Planning and Community Development is for the Housing Director to promote and work with builders and owners of affordable housing in Arlington. This request includes offsetting the costs of legal fees to outside counsel for assistance with processing affordable housing closing and mortgage paperwork. This activity is exempt from meeting a national objective. Funding for this activity is recommended at \$27,121.

PUBLIC SERVICES

Summer Scholarships, Arlington Boys & Girls Club: The Arlington Boys & Girls Club requested \$20,000 to continue awarding scholarships to income-eligible households who participate in Boys & Girls Club activities. The program provides financial assistance to households with limited resources for such activities as after school care, summer camp, instructional classes and preschool. Each recipient is also required to share in the cost of the program, based on their ability to pay. This project is expected to benefit 50 individuals and complies with national objective LMC. Funding is recommended at \$14,500.

Jobs, Jobs, Jobs Program, Arlington Boys & Girls Club: This request for \$5,000 will fund a summer employment program for income-eligible youth in grades nine, ten, and eleven. Funding will pay for

the teens to be employed as recreation assistants at the club and will provide service to other income-qualified youth. The program provides teens the opportunity to learn job skills, including skills in childcare, and recreation leadership skills. This project is expected to benefit eight individuals and complies with national objective LMC. Funding is recommended at \$5,000.

Athletic Fee Scholarships, Arlington High School: This request for \$13,000 by the Arlington High School Athletic Department provides athletic scholarships for Arlington High School students. The funds will be used for income-eligible students who cannot afford to pay the annual activity fee for various athletic programs offered. This project is expected to benefit 46 individuals and complies with national objective LMC. Funding is recommended at \$8,000.

Operation Success Learning Center, Arlington Housing Authority: This request by Operation Success Learning Center for \$6,000 will pay for the operating costs of a homework support program for junior high school students living in Menotomy Manor, an Arlington Housing Authority property. Trained volunteers and active and retired teachers from the community provide homework tutoring. This project is expected to benefit 28 individuals and complies with national objective LMA. Funding is recommended at \$6,000.

Mental Health Services for Youth and Families, Arlington Youth Counseling Center: The Arlington Youth Counseling Center (AYCC) requested \$10,000 to subsidize the costs of counseling services to income eligible households. AYCC clinicians provide individual and/or group counseling services in each of the elementary schools, Ottoson Middle School, and Arlington High School. The CDBG allocation defrays the cost of out-of-pocket expenses that are not covered by a client's insurance or is used for children and families that are without support or cannot afford the fee scale. This project is expected to benefit 15 individuals/households and complies with national objective LMC. Funding is recommended at \$5,000.

Adult Day Health Services/Scholarships, Council on Aging: The Council on Aging requested \$8,000 to continue the Adult Day Health Services Scholarship Program, which is operated by Cooperative Elder Services, Inc. The program provides a safe and therapeutic adult day care service, meals and other social programs at a very low cost for those who, due to physical and/or psychological limitations, cannot be left alone at home. Clients are brought to a safe and supportive environment at a day care facility in the Multipurpose Senior Center. This project is expected to benefit 13 individuals/households and complies with national objective LMC. Funding is recommended at \$4,000.

Transportation Enterprise Fund, Council on Aging: The Council on Aging requested \$94,880 to fund the transportation services that are offered to Arlington seniors. The transportation program brings seniors to medical appointments and local stores, helping seniors remain independent and active in the community. This project is expected to benefit 187 households and complies with national objective LMC. Funding is recommended at \$36,500.

Volunteer Coordinator, Council on Aging: The Council on Aging requested \$56,252 to fund the position of Volunteer Coordinator. The coordinator supervises and coordinates volunteers and manages the van and transportation program and is essential to the Council on Aging's mission to

engage senior citizens in community participation. The funds received will be used for the base salary of the staff person plus all fringe benefits. This project is expected to benefit 187 individuals and complies with national objective LMC. Funding is recommended at \$53,000.

Jobs, Jobs, Jobs Program, Fidelity House: This request for \$5,000 will fund a summer employment program for income-eligible youth in grades nine, ten, and eleven. Funding will pay for the teens to be employed as recreation assistants at Fidelity House and will provide service to other income-qualified youth. The program provides teens the opportunity to learn job skills, including skills in childcare, and recreation leadership skills. This project is expected to benefit four individuals and complies with national objective LMC. Funding is recommended at \$5,000.

Menotomy Manor Outreach Program, Fidelity House: This request from the Fidelity House seeks \$16,000 to help defray the cost of programs that the Fidelity House manages for the low-income families of Menotomy Manor. The Menotomy Manor Outreach Program was created to directly address the developmental needs of Arlington's low-income youth and help assimilate them into the community. The program includes transportation to and from Fidelity House, memberships, participation in all youth programs, on-site programming, and camp memberships for Summer Day Camp. The program's goal is to continue to provide a quality program for 6- to 18-year-olds. This project is expected to benefit 100 individuals and complies with national objective LMA. Funding is recommended at \$14,000.

Healthy Food Delivery to Arlington Housing Authority Locations, Food Link Inc.: Food Link requested \$10,000 in funding to provide healthy food to elders, low-income families with children and people with disabilities. Food Link provides fresh fruit, vegetables, dairy, and bread one to four times a week to residents at four Arlington Housing Authority Properties: Chestnut Manor, Cusack Terrace, Drake Village, and Menotomy Manor. This project is expected to benefit 1,011 individuals/562 households and complies with national objective LMC. Funding is recommended at \$2,250.

Program Scholarships, Recreation Department: The Arlington Recreation Department requested \$17,000 to continue a scholarship program for activities offered by the Recreation Department. The program provides income-eligible households an opportunity to participate in recreation programs by providing financial assistance to offset the cost of program fees. This project is expected to benefit over 60 individuals and complies with national objective LMC. Funding is recommended at \$13,000.

PUBLIC FACILITIES AND IMPROVEMENTS

Senior Center Accessibility: This request for \$100,000 will allow the town to address architectural barriers at the Central School building on Maple Street and Academy Street where the Senior Center is located. The driveway and walkways are currently in poor condition, making accessing the Center challenging for all patrons, particularly those with mobility challenges. This activity complies with national objective LMC. Funding is recommended at \$100,000.

ADA Compliance Program-Curb Cuts, Arlington Commission on Disability: The Arlington Commission on Disability requested \$150,000 to construct and reconstruct curb cut ramps in compliance with the Americans with Disability Act for the purpose of improving access and pedestrian safety for the elderly and disabled. 41 curb cuts will be installed utilizing these funds. This activity complies with national objective LMA. Funding is recommended at \$125,000.

PLANNING

Planners, Department of Planning and Community Development: This request for \$56,971 to partially fund the position of Director of Housing and partially fund a Senior Planner. Both positions serve under the Director of Planning and Community Development. The Director of Housing is responsible for developing affordable housing and implementing the town's locally-adopted, state-approved, Housing Production Plan. The Senior Planner performs a multitude of CDBG-related planning tasks, including work on historical matters, land and open space issues. Funding includes salary plus fringe benefits, which are reimbursed to the Town. This activity is exempt from meeting a national objective. Funding for these positions is recommended at \$56,971.

Planning Studies, Department of Planning and Community Development: This request for \$30,000 will allow the town to implement the HUD Rule on Affirmatively Furthering Fair Housing, including preparing an analysis of local impediments to fair housing and identifying actions the town will take to address these impediments by the deadline of September 2018. This activity is exempt from meeting a national objective. Funding is recommended at \$33,000.

Annual Town Survey 2018, Vision 2020: This request for \$3,000 to continue the annual town Census Insert Survey. Data collected from this survey inform policy-setting for the town and other planning activities. This activity is exempt from meeting a national objective. Funding is recommended at \$2,000.

ADMINISTRATION

Community Development Block Grant Administrator, Department of Planning and Community Development: This request for \$87,000 funds the position of Community Development Block Grant Administrator who serves under the Director of Planning and Community Development. The Administrator works in the Department of Planning and Community Development and is responsible for the daily financial and programmatic administration of the CDBG program and overall coordination and management of grant activities. Related costs include salary and reimbursement to the Town for fringe benefits. This activity is exempt from meeting a national objective. Funding for this position is recommended at \$87,000.

General Administration, Department of Planning and Community Development: \$15,000 is requested for the operating and administrative costs of the CDBG program. This budget item provides for costs of overall program management, coordination, monitoring, and evaluation. This activity is exempt from meeting a national objective. Funding is recommended at \$15,000.

**WARRANT ARTICLE 29 - ANNUAL TOWN MEETING, APRIL 2017
COMMUNITY DEVELOPMENT BLOCK GRANT - PROGRAM YEAR 42 (7/1/17-6/30/18)**

			Amount Requested	Compliance with Nat'l Objectives Section 570.200(a)(2)*	Town Manager Board of Selectmen Preliminary Budget
REHABILITATION/HOUSING					
1. Downing Square Broadway Initiative & Portfolio Capital Improvements	Housing Corporation of Arlington	\$ 650,000	LMH	\$ 410,000	
2. Arlington Home Improvement Loan Program	Weatherization and Housing Rehabilitation Program	\$ 375,000	LMC	\$ 75,000	
3. Affordable Housing Program Delivery	Planning and Community Development Department	\$ 27,121	Exempt Activity	\$ 27,121	
Total		\$ 1,052,121		\$ 512,121	
PUBLIC SERVICES					
1. Summer Scholarships	Arlington Boys and Girls Club	\$ 20,000	LMC	\$ 14,500	
2. Jobs, Jobs, Jobs Program	Arlington Boys and Girls Club	\$ 5,000	LMC	\$ 5,000	
3. Athletic Fee Scholarships	Arlington High School	\$ 12,000	LMC	\$ 8,000	
4. Operation Success Learning Center	Arlington Housing Authority	\$ 6,000	LMA	\$ 6,000	
5. Mental Health Services for Youth and Families	Arlington Youth Counseling Center	\$ 10,000	LMC	\$ 5,000	
6. Adult Day Health Services/Scholarships	Council on Aging	\$ 8,000	LMC	\$ 4,000	
7. Transportation Enterprise Fund	Council on Aging	\$ 94,880	LMC	\$ 36,500	
8. Volunteer Coordinator	Council on Aging	\$ 56,252	LMC	\$ 53,000	
9. Jobs, Jobs, Jobs Program	Fidelity House	\$ 5,000	LMC	\$ 5,000	
10. Menotomy Manor Outreach Program	Fidelity House	\$ 16,000	LMA	\$ 14,000	
11. Healthy Food Delivery to Arlington Housing Authority Locations	Food Link, Inc.	\$ 10,000	LMC	\$ 2,250	
12. Program Scholarships	Recreation Department	\$ 17,000	LMC	\$ 13,000	
Total		\$ 260,132		\$ 166,250	
PUBLIC FACILITIES AND IMPROVEMENTS					
1. Senior Center Accessibility	Planning and Community Development Department	\$ 100,000	LMC	\$ 100,000	
2. ADA Compliance Program-Curb Cuts	Arlington Commission on Disability	\$ 150,000	LMC	\$ 125,000	
Total		\$ 250,000		\$ 225,000	
PLANNING					
1. Planners	Planning and Community Development Department	\$ 56,971	Exempt Activity	\$ 56,971	
2. Planning Studies	Planning and Community Development Department	\$ 30,000	Exempt Activity	\$ 33,000	
3. Annual Town Survey 2018	Vision 2020	\$ 3,000	Exempt Activity	\$ 2,000	
Total		\$ 89,971		\$ 91,971	
ADMINISTRATION					
1. Grants Administrator (Salary + Benefits)	Planning and Community Development Department	\$ 87,000	Exempt Activity	\$ 87,000	
2. General Administration	Planning and Community Development Department	\$ 15,000	Exempt Activity	\$ 15,000	
Total		\$ 102,000		\$ 102,000	
TOTAL ALL REQUESTS			\$ 1,754,224		\$ 1,097,342

2017/2018 Estimated Allocation	\$ 1,022,830
Estimated Program Income	\$ 75,000
Total Estimated Funds Available	\$ 1,097,830

*HUD National Objectives are defined on pages 1 and 2

FY2016 REVOLVING FUNDS: EXPENDITURE DETAIL

Revolving Fund	Amount
<u>Private Way Repairs (3410):</u>	
contracted services	\$17,781.82
Total Expenditures	<u>\$17,781.82</u>
<u>Public Way Repairs (3400):</u>	
Total Expenditures	<u>\$0.00</u>
<u>Fox Library Community Center Rentals (3990):</u>	
office equipment	\$14,181.91
maintenance	\$448.00
Total Expenditures	<u>\$14,629.91</u>
<u>Robbins House Rentals (4060):</u>	
personnel	\$25,480.91
supplies	\$544.87
maintenance	\$500.00
utilities	\$11,889.11
contracted services	\$2,384.61
Total Expenditures	<u>\$40,799.50</u>
<u>Conservation Commission Fees (5290):</u>	
Town Day booth fee	\$35.00
Total Expenditures	<u>\$35.00</u>
<u>Uncle Sam Fees (2440):</u>	
Total Expenditures	<u>\$0.00</u>
<u>Life Support Services (Ambulance) Fees (3210):</u>	
general fund offset (personnel)	\$166,218.00
contracted services	\$389,763.42
capital offset	\$51,506.00
advertising	\$93.12
Total Expenditures	<u>\$607,580.54</u>

FY2016 REVOLVING FUNDS: EXPENDITURE DETAIL

Revolving Fund	Amount
<u>Board of Health Fees (4120):</u>	
personnel	\$25,998.39
supplies	\$4,591.72
contracted services	\$35,347.04
equipment	\$1,562.71
other expenses	\$1,800.00
Total Expenditures	\$69,299.86
<u>Field User Fees (5275):</u>	
contracted services	\$5,850.00
maintenance	\$30,572.50
Total Expenditures	\$36,422.50
<u>Robbins Library Rentals (4250):</u>	
personnel	\$1,410.00
contracted services	\$6,390.00
Total Expenditures	\$7,800.00
<u>Town Hall Rentals (4150):</u>	
supplies	\$12,518.31
personnel	\$52,313.34
utilities	\$526.18
contracted services	\$32,948.04
Total Expenditures	\$98,305.87
<u>White Goods Recycling Fees (3510):</u>	
transfer to general fund	\$15,000.00
equipment & materials	\$11,595.26
Total Expenditures	\$26,595.26

FY2016 REVOLVING FUNDS: EXPENDITURE DETAIL

Revolving Fund	Amount
<u>Library Vending Fees (4220):</u>	
supplies	\$4,781.82
equipment	\$595.00
contracted services	\$1,688.80
Total Expenditures	\$7,065.62
<u>Gibbs School Energy Fees (2790):</u>	
utilities	\$96,189.30
Total Expenditures	\$96,189.30
<u>Cemetery Chapel Rentals:</u>	
Total Expenditures	\$0.00
<u>Council on Aging Program Fees (3840):</u>	
contracted services	\$10,493.36
Total Expenditures	\$10,493.36

FY2018 REVOLVING FUNDS FOR WARRANT ARTICLE

Private Way Repairs (3410): Originally established under Article 46, 1992 Annual Town Meeting
FY2018 expenditures not to exceed \$200,000

Beginning Balance, 7/1/15	\$87,714.84
Receipts	48,593.37
Expenditures	17,781.82
Ending Balance, 6/30/16	\$118,526.39

Public Way Repairs (3400): Originally established under Article 45, 1992 Annual Town Meeting
FY2018 expenditures not to exceed \$5,000

Beginning Balance, 7/1/15	\$168.40
Receipts	0.00
Expenditures	0.00
Ending Balance, 6/30/16	\$168.40

Fox Library Community Center Rentals (3990): Originally established under Article 49, 1996 Annual Town Meeting
FY2018 expenditures not to exceed \$20,000

Beginning Balance, 7/1/15	\$16,773.35
Receipts	1,637.00
Expenditures	14,629.91
Ending Balance, 6/30/16	\$3,780.44

Robbins House Rentals (4060): Originally established under Article 77, 1997 Annual Town Meeting
FY2018 expenditures not to exceed \$75,000

Beginning Balance, 7/1/15	\$19,093.42
Receipts	34,733.19
Expenditures	40,799.50
Ending Balance, 6/30/16	\$13,027.11

Conservation Commission Fees (5290): Originally established under Article 44, 1996 Annual Town Meeting
FY2018 expenditures not to exceed \$10,000

Beginning Balance, 7/1/15	\$2,742.54
Receipts	1.99
Expenditures	35.00
Ending Balance, 6/30/16	\$2,709.53

Uncle Sam Fees (2440): Originally established under Article 31, 2000 Annual Town Meeting
FY2018 expenditures not to exceed \$2,000

Beginning Balance, 7/1/15	\$1,526.31
Receipts	0.00
Expenditures	0.00
Ending Balance, 6/30/16	\$1,526.31

FY2018 REVOLVING FUNDS FOR WARRANT ARTICLE

Life Support Services (Ambulance) Fees (3210): Originally established under Article 37, 2001 Annual Town Meeting
FY2018 expenditures not to exceed \$800,000

Beginning Balance, 7/1/15	\$547,148.46
Receipts	688,738.09
Expenditures	607,580.54
Ending Balance, 6/30/16	\$628,306.01

Board of Health Fees (4120): Originally established under Article 30, 2005 Annual Town Meeting
FY2018 expenditures not to exceed \$100,000

Beginning Balance 7/1/15	\$56,719.94
Receipts	117,045.90
Expenditures	69,299.86
Ending Balance, 6/30/16	\$104,465.98

Field User Fees (5275): Originally established under Article 78, 2004 Annual Town Meeting
FY2018 expenditures not to exceed \$80,000

Beginning Balance, 7/1/15	\$23,389.57
Receipts	32,660.25
Expenditures	36,422.50
Ending Balance, 6/30/16	\$19,627.32

Robbins Library Rentals (4250): Originally established under Article 35, 2006 Annual Town Meeting
FY2018 expenditures not to exceed \$8,000

Beginning Balance 7/1/15	\$26,586.20
Receipts	5,665.00
Expenditures	7,800.00
Ending Balance, 6/30/16	\$24,451.20

Town Hall Rentals (4150): Originally established under Article 35, 2006 Annual Town Meeting
FY2018 expenditures not to exceed \$120,000

Beginning Balance, 7/1/15	\$70,154.01
Receipts	125,011.17
Expenditures	98,305.87
Ending Balance, 6/30/16	\$96,859.31

White Goods Recycling Fees (3510): Originally established under Article 35, 2006 Annual Town Meeting
FY2018 expenditures not to exceed \$80,000

Beginning Balance, 7/1/15	\$57,405.92
Receipts	26,230.35
Expenditures	26,595.26
Ending Balance, 6/30/16	\$57,041.01

FY2018 REVOLVING FUNDS FOR WARRANT ARTICLE

Library Vending Fees (4220): Originally established under Article 34, 2009 Annual Town Meeting
FY2018 expenditures not to exceed \$25,000

Beginning Balance, 7/1/15	\$4,744.88
Receipts	10,740.50
Expenditures	7,065.62
Ending Balance, 6/30/16	\$8,419.76

Gibbs School Energy Fees (2790): Originally established under Article 45, 2010 Annual Town Meeting
FY2018 expenditures not to exceed \$120,000

Beginning Balance, 7/1/15	\$34,170.86
Receipts	90,096.32
Expenditures	96,189.30
Ending Balance, 6/30/16	\$28,077.88

Cemetery Chapel Rentals: Originally established under Article 52, 2011 Annual Town Meeting
FY2018 expenditures not to exceed \$15,000

Beginning Balance, 7/1/15	\$0.00
Receipts	0.00
Expenditures	0.00
Ending Balance, 6/30/16	\$0.00

Council On Aging Program Fees (3840): Originally established under Article 28, 2013 Annual Town Meeting
FY2018 expenditures not to exceed \$25,000

Beginning Balance, 7/1/15	\$4,571.35
Receipts	15,895.76
Expenditures	10,493.36
Ending Balance, 6/30/16	\$9,973.75



Town of Arlington, Massachusetts

Articles for Review:

Summary:

- Article 15** Bylaw Amendment/Pride Commission
Article 18 Bylaw Amendment/Appraisals of Town Property Interests
Article 19 Vote/Appointment of Town Treasurer
Article 20 Vote/Email Accounts for Members of Public Bodies
Article 21 Vote/Surveillance Study Group
Article 22 Acceptance of Legislation/Senior Property Tax Work-Off Program
Article 23 Acceptance of Legislation/Veteran Property Tax Work-Off Program
Article 24 Acceptance of Legislation/Elderly and Disabled Taxation Fund
Article 25 Acceptance of Legislation/CPI Adjustment for Elderly Residents
Article 59 Resolution/ Sanctuary Town
Article 60 Resolution Supporting State and Federal Legislation that Provides Greater Transparency in Political Donations and Limits the Influence of Money in Politics

ATTACHMENTS:

Type	File Name	Description
<input checked="" type="checkbox"/> Reference Material	2017_Annual_Town_Meeting_Draft_Votes_and_Comments_No._1_Articles_15_18_19_20_21_22_23_24_25_60_(00019159)_2.docx	Reference



Town of Arlington Legal Department

Douglas W. Heim
Town Counsel

50 Pleasant Street
Arlington, MA 02476
Phone: 781.316.3150
Fax: 781.316.3159
E-mail: dheim@town.arlington.ma.us
Website: www.arlingtonma.gov

MEMORANDUM

TO: Board of Selectmen

FROM: Douglas W. Heim

DATE: March 13, 2017

RE: **Votes and Comments for Articles: 15, 18, 19, 20, 21, 22, 23, 24, 25 and 60**

I write to provide the Board the following as draft Votes and Comments for your consideration tonight's Board of Selectmen meeting regarding the previously heard, above-referenced warrant articles. I note that where existing bylaw provisions are amended by a vote, underlined text signifies new or additional wording, while strikethrough text signifies words and clauses to be eliminated.

ARTICLE 15

BYLAW AMENDMENT/PRIDE COMMISSION

VOTED: That Title II of the Town Bylaws ("Committees and Commissions") be and hereby is amended by inserting a new article to provide for the creation of an Arlington Pride/LGBTQIA+ Rainbow Commission as follows:

Article 13: LGBTQIA+ Rainbow Commission

Section 1. LGBTQIA+ Rainbow Commission Established

There is hereby established an LGBTQIA+ Rainbow Commission to promote equality-affirming policies regarding the full spectrum of sexual orientations and gender identities and to bring greater visibility and empowerment to the LGBTQIA+ population through education, advocacy, and collaboration with other Town agencies, schools, and community groups.

Section 2. Membership

The Commission shall consist of seven (7) members, six (6) of which are to be appointed by the Town Manager subject to the approval of the Board of Selectmen, and one (1) of which shall be appointed by the School Committee. Members shall be appointed to the following initial terms: Two (2) members to a one-year term, two (2) members for two-year terms , and three (3) members for three-year terms, as determined appropriate by the Town Manager and School Committee. All subsequent terms shall be for three years.

Should an appointing authority fail to appoint a successor to a Commission member whose term is expiring, such member may continue to serve until the relevant authority names a successor. A vacancy of the Committee shall be filled by the relevant appointing authority.

Section 3. Administration and Operation

The LGBTQIA+ Rainbow Commission shall not meet or conduct business without the presence of a quorum. A majority of the members of the LGBTQIA+ Rainbow Commission at any given time shall constitute a quorum and the Commission shall approve its actions by majority vote of the quorum.

Section 4. Effective Date

Following Town Meeting approval of this bylaw, this Title shall take effect immediately upon the approval by the Attorney General of the Commonwealth.

(5-0)

COMMENT: The Board of Selectmen unanimously support the establishment of a local Pride Commission to be known as the Arlington LGBTQIA+ Rainbow Commission. The Commission shall serve as an entity to specifically support the Arlington LGBTQIA+ community, promote equality-affirming policies, as well as create and maintain a connection

point between our Town and School government and LGBTQIA+ persons. The Board believes that the work of this Commission will build upon the efforts to the Town and School Department to date, especially the Arlington Human Rights Commission, and appreciates the substantial contributions of a variety of stakeholders in bringing this bylaw proposal before Town Meeting.

ARTICLE 18

BYLAW AMENDMENT/APPRaisal OF TOWN

VOTED: That Title I, Article 8 be and is hereby amended to add a new provision regarding the assessment and disposal of Town owned real property interests, so as to read in its entirety as follows:

ARTICLE 8: DISPOSAL OF TOWN PROPERTY

A. Disposal of Material and Personal Property

No official or employee of the Town shall dispose of any material or other personal property belonging to the Town without permission being granted by a vote of the Town, subject to the following exception.

Any department, board, or committee of the Town may sell or otherwise dispose of scrap material or other discarded personal property belonging to the Town which is within the jurisdiction or control of such department, board, or committee, provided such department, board, or committee in its sound discretion first determines that a just and reasonable value for such property does not exceed \$500.

B. Disposal of Real Property and Related Interests

In addition to other applicable state law requirements, the Town must determine the value of any recorded real property interest, including leases, mortgages, preservation restrictions, easements, and/or profits à prendre before disposing of same whether by sale, abandonment, or other permanent disposal, by using procedures customarily accepted as valid by the appraising profession. The Town may hire an appraiser, but it is not required to do so.

The provisions of this subsection shall be construed apply even to those recorded property interests or instruments which do not require appraisal under state law.

(5-0)

COMMENT: The Board of Selectmen recommends favorable action on this straight-forward measure proposed by Ms. Lisa Reynolds to codify an appraisal requirement for any and all recorded Town real property interests and instruments within the Town Bylaws. The measure

mirrors State law requirements for most real property and related transactions. However, the proposed addition, featured in many other communities' bylaws, would also unambiguously apply to a broader set of real property matters, including paper roads. The Board also notes that as constructed and advocated by its proponents, neither adherence to the results of such appraisals, nor the hiring of an appraiser are required. As such, the modest procedural requirements should yield long-term consistency and clarity without abridging flexibility in a burdensome manner.

ARTICLE 19

VOTE/APPOINTMENT OF TOWN TREASURER

VOTED: That (1), Town Meeting hereby approves the conversion of the Town's elected Town Treasurer and Collector of Taxes from an elected position to an appointed position pursuant to G.L. c. 41 sec. 1B; and (2), that in accordance with G.L. c. 41 sec. 1B, the Board of Selectmen are hereby requested and authorized to place the following question on the 2018 Annual Town Election Ballot:

"Shall the town vote to have its elected Town Treasurer and Collector of Taxes become an appointed Town Treasurer and Collector of Taxes of the town?"

Yes _____ No _____ "

(5-0)

COMMENT: The Board of Selectmen recommends favorable action on initiating the process to convert the Treasurer and Collector position from an elected to an appointed office. The Board recognizes and commends the long, excellent service of our present Treasurer, Mr. Stephen Gilligan, who is retiring at the end of this term. The Board's interest in, and recommendation to convert the Treasurer's Office is solely rooted in desires to achieve efficiency gains and streamline the Town's financial management as recommended in part by the Department of Revenue in its 2012 analysis of Town financial structures. While the Board appreciates the arguments made in favor of maintaining the status quo at hearing, particularly given that a new Treasurer should and will have the opportunity to administer the Office before any change is realized, we believe that now is still the appropriate time to explore the further consolidation of Town financial management under the Town Manager.

While the Board urges Town Meeting's favorable action on placing this matter before the voters, it must be stressed that the Selectmen also look forward to working with the incoming Treasurer-elect, including examining the structure and functions of the office in advance of the 2018 Annual Town Election. If both Town Meeting and the voters approve this measure, the incoming Treasurer will serve the full length of his term before the Office would convert into an appointed position.

ARTICLE 20**VOTE/EMAIL ACCOUNTS FOR MEMBERS
OF PUBLIC BODIES****VOTED:** **That no action be taken under Article 20.****(5-0)**

COMMENT: This article, inserted by citizen petition of Mr. Christopher Loreti is the same article submitted for the 2016 Annual Town Meeting. As the substance of the 2016 article and vote of Town Meeting having been implemented, the proponent did not present or pursue the matter further before this Board this year. Accordingly, both because this Selectmen respectfully request Town Meeting to take no action on articles for which there was no proposal placed before us, and because Mr. Loreti himself is not pursuing this article further, a vote of no action is recommended.

ARTICLE 21**VOTE/SURVEILLANCE STUDY GROUP****VOTED:** **That no action be taken under Article 21.****(4-0)****Mr. Greeley was absent**

COMMENT: This article, inserted by citizen petition of Mr. Steve Revilek, sought to create a study group through Town Meeting to examine concerns by a number of residents regarding the use of surveillance technology to monitor and record persons in public spaces, and related issues. The Board agrees that the establishment of a study group is prudent to inventory and examine the landscape of surveillance issues in Arlington. However, the Board also believes that such a group would be more flexible and effective as a study group of the Board of Selectmen rather than a committee or body of Town Meeting. The Board will work with Mr. Revilek and other stakeholders to develop the membership and parameters of a study group on the intricate and important issues at work, and for only such reasons, recommend no action before Town Meeting.

**ARTICLE 22 ACCEPTANCE OF LEGISLATION/SENIOR PROPERTY TAX
WORK OFF PROGRAM**

VOTED: That the Town does hereby adopt Section 5K of M.G.L. Ch. 59, establishing a senior tax work off program as defined therein, including any subsequent amendments or modifications thereto, and elects to allow “approved representatives” to perform the services for the Town where otherwise eligible seniors are physically unable to do so themselves; such adoption shall be effective upon acceptance.

(4-0)

Mr. Greeley was absent

COMMENT: This article represents the first of a suite of measures this Board sought from the Health and Human Services Department, Town Manager, and other Town officials to ease the tax burdens of potentially vulnerable Arlington homeowners, particularly Arlington seniors and others on fixed incomes, especially as the Town employs debt exclusions to meet the pressing capital needs of our schools. By accepting this legislation, one new tool will be available to Arlington seniors (defined in the statute as persons over the age of 60) to meet their local real property tax obligations – a volunteer “work off” program, which can supplement other abatement or exemption programs with a maximum property tax reduction of up to \$1,500.00 for calendar year.

In order to ensure maximum access, the Board of Selectmen also strongly recommends Town Meeting adopt this legislation with the added option of allowing an “approved representative” to perform the volunteer work for an eligible senior unable to provide approved work services to the Town themselves. The Board strongly urges Town Meeting’s favorable action on each and all of these tax assistance articles as integral to balancing the diverse needs and resources of Arlington’s valued residents.

**ARTICLE 23 ACCEPTANCE OF LEGISLATION/VETERAN PROPERTY TAX
WORK-OFF PROGRAM**

VOTED: That the Town does hereby adopt Section 5N of M.G.L. Ch. 59, establishing a veteran tax work off program as defined therein, including any subsequent amendments or modifications thereto and electing to allow “approved representatives” to perform the services for the Town where otherwise eligible veterans are physically unable to do so themselves; such adoption shall be effective upon acceptance.

(4-0)

Mr. Greeley was absent

COMMENT: This article represents the second measure this Board sought from Town personnel to ease the tax burdens on potentially vulnerable homeowners as a series of property tax increases are employed to meet the Town's capital pressing improvement needs. Accepting this legislation provides the same type of new tool discussed in Article 22, but for Arlington veterans; allowing them to meet a portion of their local real property tax obligations through a volunteer "work off" program. As with the previous measure, this tool would supplement other abatement or exemption programs, but with a maximum property tax reduction of up to \$1,000.00 for calendar year.

As with the senior-oriented "work off" program, the Board also recommends this acceptance of legislation with the added option to allow an "approved representative" to perform the volunteer work for an eligible veteran if such person is physically unable to provide the approved work services.

ARTICLE 24 ACCEPTANCE OF LEGISLATION/ELDERLY AND DISABLED TAXATION FUND

VOTED: That the Town does hereby adopt Section 3D of M.G.L. Ch. 60, establishing a elderly and disabled tax relief fund as defined therein, including any subsequent amendments or modifications thereto and establishing a Taxation Aid Committee as provided by the statute; such adoption shall be effective upon acceptance.

(4-0)

Mr. Greeley was absent

COMMENT: This article represents the third of this year's series of measures sought by the Board of Selectmen to lessen the tax burdens on potentially vulnerable homeowners. Accepting this legislation allows the Town to establish a fund and donation mechanism for defraying real estate taxes of seniors, as well as low income disabled persons. The legislation option allows the Town to designate a place on tax bills for donations for the fund for any amount greater than \$1.00, which essentially is due along with each homeowner's real estate tax bill. Such donated monies are held in a special account, and may be invested to further grow the fund.

In order that the Town may best collect and disburse the property tax aide under this mechanism, acceptance of this provision will also establish a five (5) member Taxation Aid Committee, which consists of the Chair of the Board of Assessors, the Town Treasurer, and three (3) residents appointed by this Board of Selectmen. The Committee shall adopt rules for its operation and the discharge of its duties in identifying and determining how to best assist eligible seniors and disabled low-income persons. The Board views both the creation of a tax assistance

fund and the Taxation Aid Committee as two additional and essential pieces in committing the Town to helping its most vulnerable property owners while also investing in some of the Town's most important capital resources. Accordingly, we strongly urge Town Meeting's favorable action.

**ARTICLE 25 ACCEPTANCE OF LEGISLATION/CPI ADJUSTMENT FOR
ELDERLY RESIDENTS**

VOTED: That the Town does hereby adopt Clause 41D of Section of M.G.L. Ch. 59, allowing an annual adjustment of senior income and asset eligibility requirements for certain tax exemptions according to the Consumer Price Index to better reflect the cost of living as provided by the statute; such adoption shall be effective upon acceptance.

(4-0)

Mr. Greeley was absent

COMMENT: The final component of tax assistance measures solicited by this Board is for the Town to adopt clause 41D of Section of M.G.L. c. 59. The purpose and intended effect of exercising this option is to render more Arlington seniors eligible for already existing property tax exemptions by allowing the Town to annually adjust the gross income and asset limit requirements according to the Consumer Price Index. Given the rising costs of many goods and services, as well as the present real estate landscape in Arlington, such an annual adjustment will better reflect income and assets relative to their cost of living. As such, the Board strongly recommends this improvement to already existing tax abatement options to Town Meeting.

ARTICLE 60

**RESOLUTION SUPPORTING STATE AND
FEDERAL LEGISLATION THAT PROVIDES
GREATER TRANSPARENCY IN POLITICAL
DONATIONS AND LIMITS THE INFLUENCE OF
MONEY IN POLITICS**

VOTED: That no action be taken under Article 60.

(5-0)

COMMENT: The Board of Selectmen respectfully recommends no action be taken on the proposed resolution submitted by Ms. Elizabeth Kowalski. The instant resolution speaks to important issues affecting Commonwealth and Federal policy making. However, the resolution is not sufficiently oriented toward matters within the Town's jurisdiction. The Board makes no comment on the overall merits of the Anti-Corruption Act as national or state legislation, but encouraged Ms. Kowalski to make use of other means of informing Town residents and our legislative delegations of the state and federal measures at issue.



Town of Arlington, Massachusetts

Community Preservation Committee Presentation to Finance Committee

Summary:

Clarissa Rowe, Community Preservation Committee Chair

ATTACHMENTS:

Type	File Name	Description
□ Reference Material	e-mail_from_C._Rowe_for_CPAC.pdf	C. Rowe e-mail
□ Reference Material	CPA_presentation_to_FinCom_03_01_17_REVISED.pptx	Presentation

From: "Clarissa Rowe" <clarissa.rowe@comcast.net>
To: ""MaryAnn Sullivan"" <MSullivan@town.arlington.ma.us>, ""Fran Reidy"" <FReidy@town.arlington.ma.us>
Cc: ""Jim Feeney"" <JFeeney@town.arlington.ma.us>, ""Amy Fidalgo"" <AFidalgo@town.arlington.ma.us>, ""Eric Helmuth"" <eric@erichelmuth.com>
Date: 03/02/2017 01:08 PM
Subject: Presentation for the BoS to review

Hello MaryAnn and Fran: Even though the Community Preservation Committee does not need to appear before the Board of Selectmen, we thought that they might want to review this presentation that we gave to the Finance Committee last night. Both the Capital Planning Committee and the Finance Committee voted unanimously in favor of our votes.

The presentation is correct except that yesterday afternoon, Jenny Raitt requested an additional \$15,000 to add to the initial \$50,000 that they requested. The additional money is to deal with the filing of the Historic Preservation Project Notification Form and other items requested by the CPAC. That new amount is not reflected in the information we have sent.

We would welcome their questions. We plan to take our final votes on March 14th.

Thank you as usual,

Clarissa



Community Preservation Act Committee

Presentation to Finance Committee 3/01/17

CPA Committee (CPAC)

Five of the members representing relevant boards and commissions are mandated by the state CPA law. Four additional Committee members are appointed by the Board of Selectmen.

Clarissa Rowe, Chair
Selectmen Appointee

Eric Helmuth, Vice Chair
Selectmen Appointee

Chuck Tirone
Conservation Commission Designee

Leslie Mayer
Park & Recreation Commission Designee

JoAnn Robinson
Historic Commission Designee

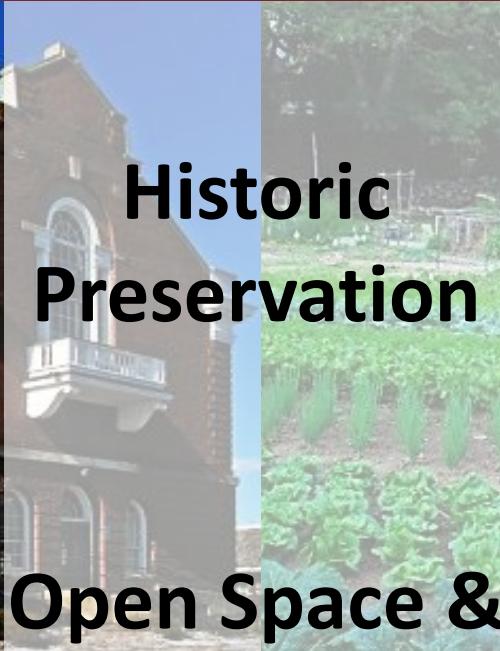
Kin Lau
Redevelopment Board Designee

Andrew Bengtson
Selectmen Appointee

Richard Murray
Housing Authority Designee

David Levy
Selectmen Appointee

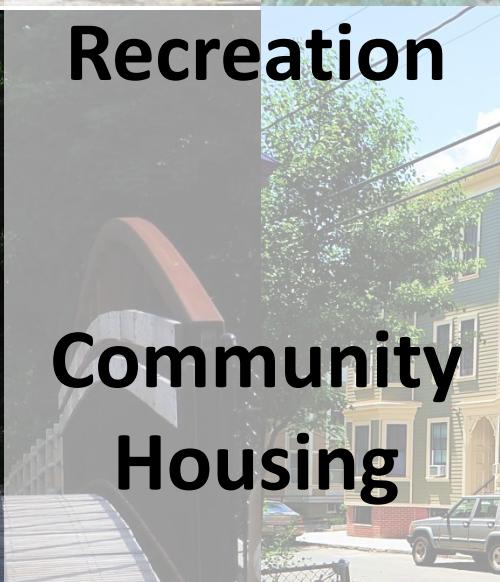
CPA Project Areas



**Historic
Preservation**

**Open Space &
Recreation**

**Community
Housing**



The work of the CPAC

1. Holds annual public meetings to discuss the priorities and funding process for CPA, and annually updates a Community Preservation Plan outlining community preservation needs, possibilities and resources in Arlington.

2. Tracks the local and state receipts for the Arlington CPA fund, local CPA account balances, and CPAC administrative expenses.

3. Receives applications for CPA projects each fiscal year:

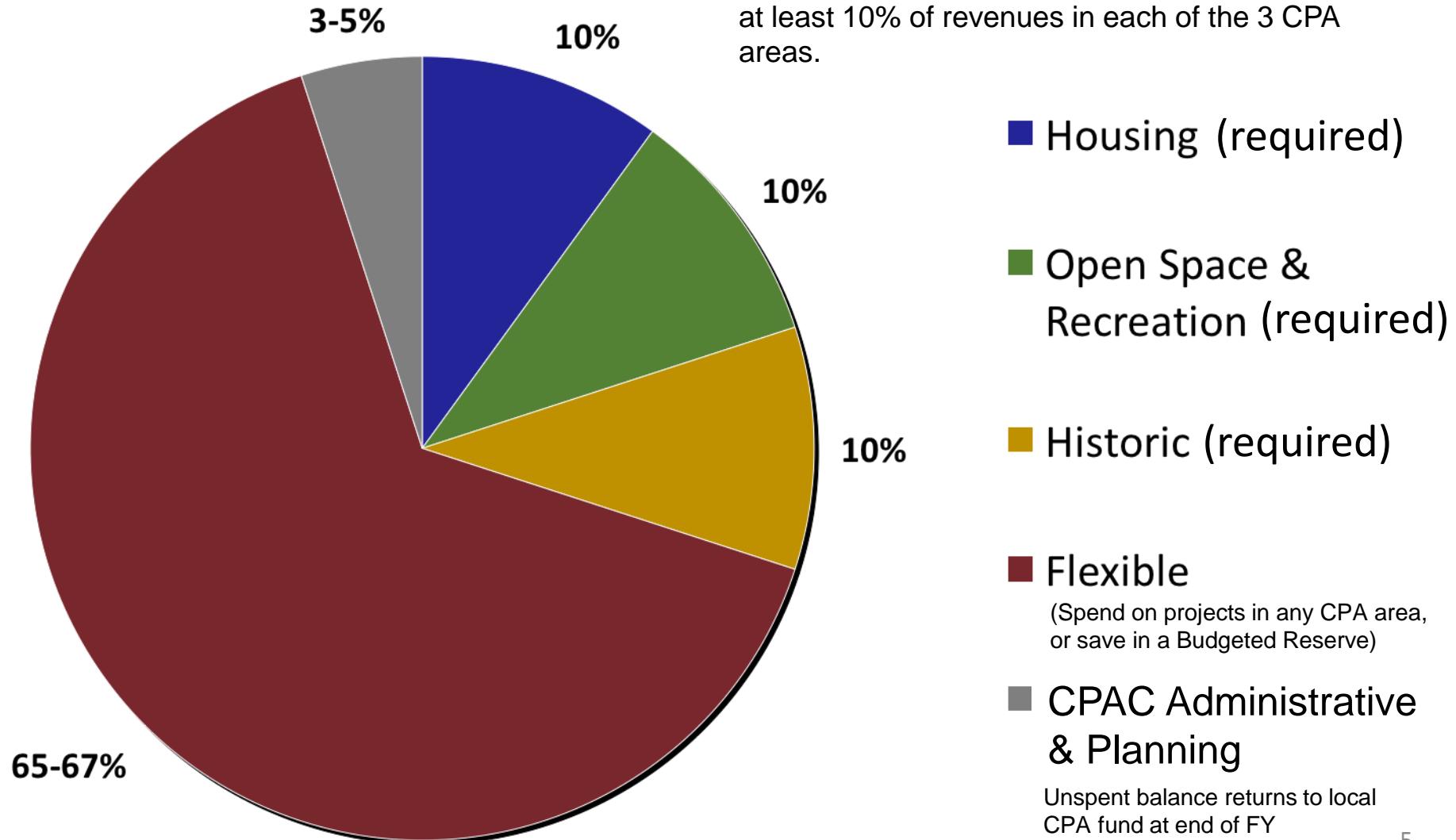
- Screens preliminary project applications for CPA eligibility under the law and invites final applications, providing feedback to applicants on the quality of the applications and relevant grant requirements (e.g., affordable housing or historic preservation restrictions, demonstration of public benefit etc).
- Receives full applications and performs extensive due diligence to evaluate feasibility, sustainability, and other merits.
- Conducts public presentations for each proposed CPA project.

4. Consults with the Board of Selectmen, Finance Committee, Capital Planning Committee and other town bodies about our funding recommendations.

5. Presents the recommended votes for CPA to Town Meeting comprised of CPA projects, reserve funds and administrative expenses.

6. Oversees Community Preservation projects throughout their duration, tracks project expenditures and balances, and approves project payments.

Annual CPA Spending



CPAC Recommendations for FY18

The CPAC's recommended votes to Town Meeting* will be to:

1. Appropriate \$2,182,816 to fund nine CPA projects.
2. Reserve \$641,900 for later CPA project appropriations.
3. Appropriate \$77,582 to the CPA administrative expenses reserve account.**

* Per state law, the main motions for all CPA actions must originate from the CPA Committee. They are printed in the formal CPAC report to Town Meeting.

** Unspent admin expenses return to the local CPA fund for future appropriation to CPA projects

COMMUNITY PRESERVATION ACT FY2018 BUDGET RECOMMENDATIONS

FY18 FUNDS AVAILABLE TO APPROPRIATE OR RESERVE AT ANNUAL TOWN MEETING		
CPA revenues {	FY16 Local CPA Surcharge (Actual)	\$1,311,512
	FY18 Local CPA Surcharge (Estimate)	\$1,350,000
	Year 2 State Match (estimated at 15% of projected FY17 collections)	\$201,645
	Subtotal	\$2,863,157
Unspent FY17 CPA funds {	FY17 unspent Budgeted Reserve account ¹	\$39,141
	<i>Note: Additional funds for later appropriation will be available after the close of FY17, including unspent FY17 admin expenses ², any turnbacks from current CPA project appropriations, and carry-forward of actual tax surcharge receipts exceeding projected collections</i>	
	Total FY18 Available Funds Estimate	\$2,902,298
	Less FY18 Recommend Project Funding	-\$2,182,816
	Less CPAC admin expenses reserve (5% of est. FY18 revenues) ³	-\$77,582
	FY18 remainder (to be reserved for future appropriation)	\$641,900

REFERENCES

¹ **FY17 BUDGETED RESERVE ACCOUNT**

Budgeted Reserve	\$94,141
CPA Jason Russell House (STM)	-\$35,000
CPA Old Schwamb Mill (STM)	-\$20,000
FY17 Budgeted Reserve Balance in local CPA fund	\$39,141

² **FY17 CPA ADMIN EXPENSES ACCOUNT - ACTUALS TO DATE**

Admin Expenses Appropriated (FY17)	\$77,350
Admin Expenses to date	-\$4,607
Salary Offsets (FY17)	-\$24,819
FY17 Admin Expense balance to date	\$47,924

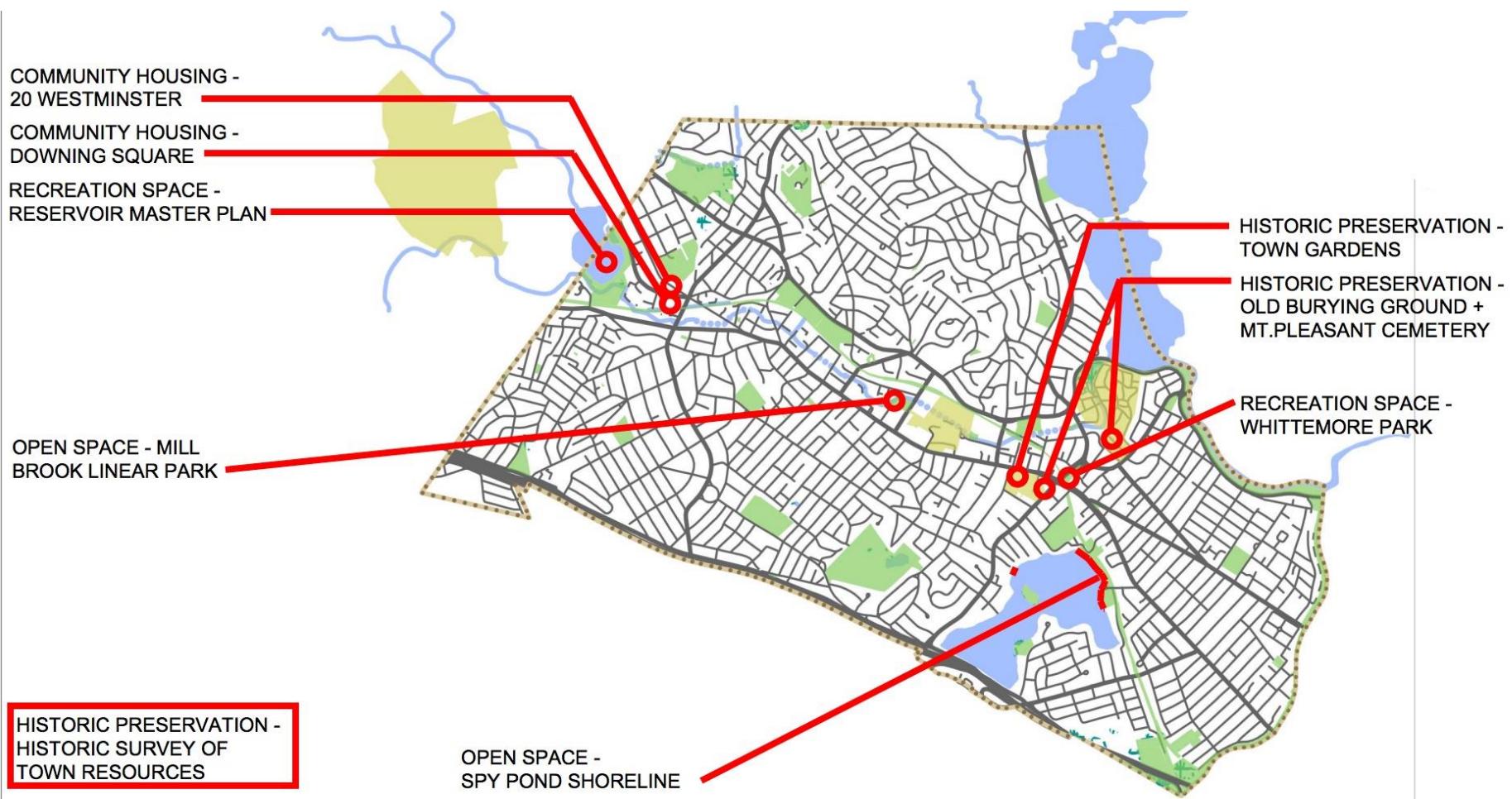
³ **FY18 CPA ADMIN EXPENSES (anticipated)**

Admin Expense @ 5% maximum reservation	\$77,582
CPA coalition dues	-\$4,350
Salary Offsets	-\$34,468
Remaining/Unallocated	\$38,764

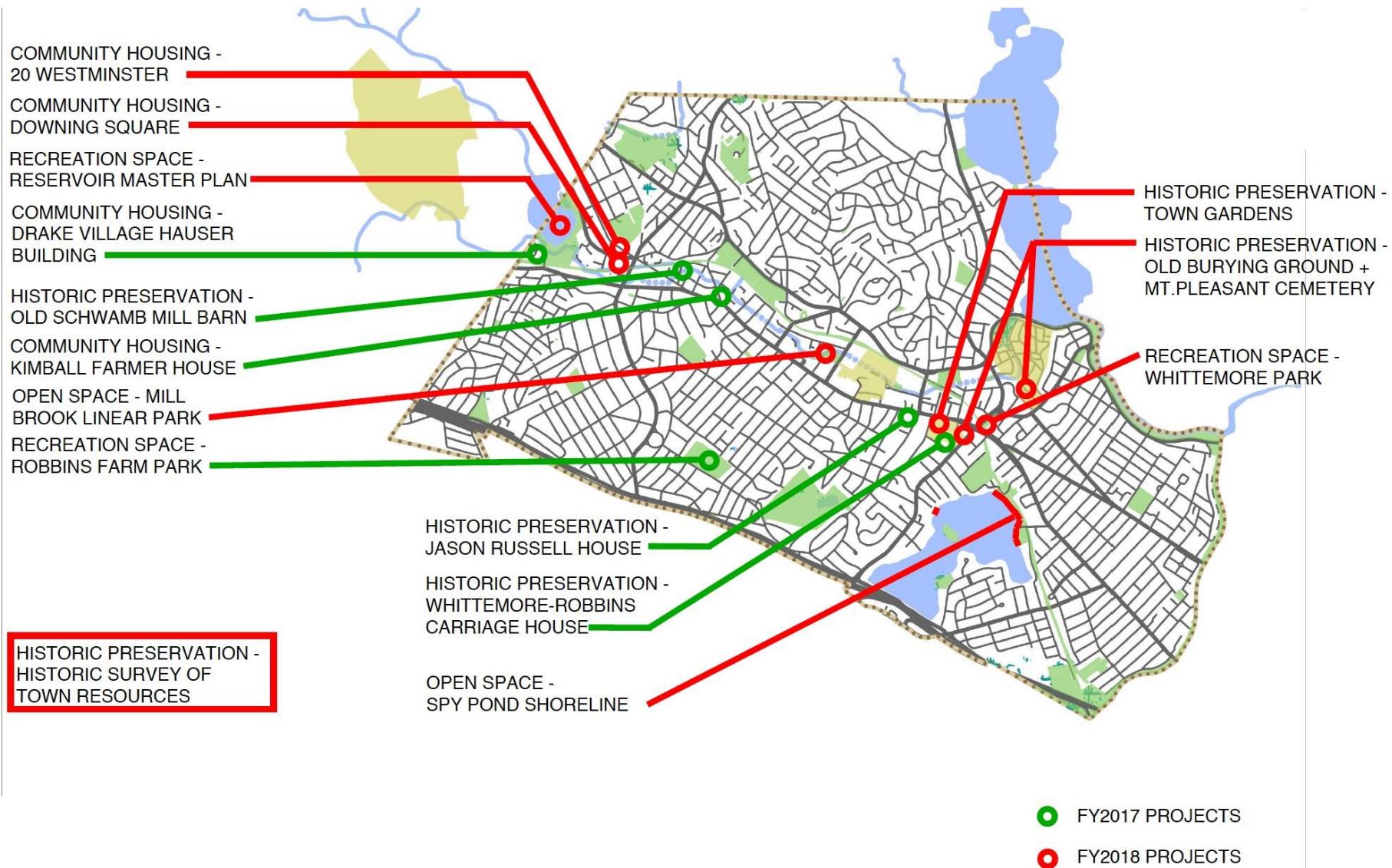
Recommended FY18 CPA Project Funding

Project Name	CPA Category	Applicant(s)	Awardee	Maintenance oversight	CPAC Funding Recommendation	Total Project Cost
Downing Square	Community Housing	Housing Corporation of Arlington	HCA	HCA	\$100,000	\$11,900,000
20 Westminster	Community Housing	Housing Corporation of Arlington	HCA	HCA	\$500,000	\$3,884,000
Old Burying Ground/Mt. Pleasant Tomb Repair Study	Historic Preservation	Cemetery Commission; Historical Commission; Historical Society	Town of Arlington TBD	N/A	\$64,920	\$64,920
Robbins Town Garden Water Features	Historic Preservation	Historical Commission; Friends of Robbins Town Garden group	Town Manager	Town Manager	\$643,213	\$643,213
Update Arlington Historic Resources Inventory	Historic Preservation	Planning & Community Development	Planning & Community Development	N/A	\$115,000	\$115,000
Spy Pond Edge and Erosion Protection Phase II	Open Space	Conservation Commission	Conservation Commission	Planning & Community Development w/ ConsCom	\$552,900	\$552,900
Whittemore Park Revitalization Project Study	Open Space & Historic Preservation	Planning & Community Development	Planning & Community Development	N/A	\$50,000	\$66,500
Mill Brook Linear Park Pilot Study	Recreation & Open Space	Mystic River Watershed Association	Mystic River Watershed Association	N/A	\$56,783	\$61,443
Arlington Reservoir Master Plan and Survey	Recreation & Open Space	Park & Recreation; Conservation Commission	Park & Rec commission	N/A	\$100,000	\$100,000
TOTALS					\$2,182,816	\$17,387,976

Recommended FY18 CPA Projects



FY17 + FY18 CPA Projects

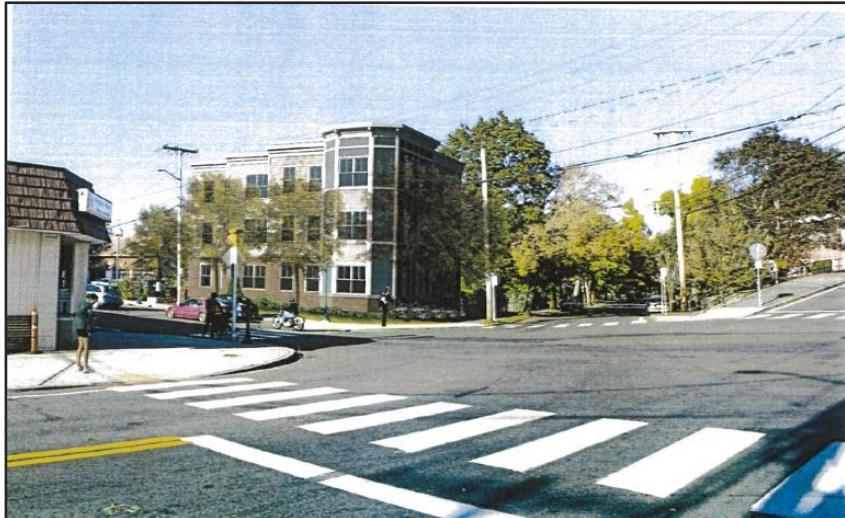


Downing Square

Sponsor: Housing Corporation of Arlington | **Category:** Housing | **Recommended funding:** \$100,000

This project will produce 34 affordable housing units in Arlington Heights.

There will be two buildings, one at the corner of Lowell Street and Park Avenue extension, and one further along Lowell Street, running parallel to the Minuteman Bike Path. The location is a long-neglected piece of land with some possible environmental issues.



This project is at the beginning of a multi-year process of getting approvals and total funding. HCA requested \$500,000; the Committee voted to recommend a \$100,000 appropriation this year for future hard costs, to show an early local commitment to the project and help HCA obtain remaining funding.

The initial CPAC vote was 7 to 1 in the affirmative.

20 Westminster

Sponsor: Housing Corporation of Arlington | **Categories:** Housing & Historic Preservation

Recommended funding: \$500,000

This community housing project will produce nine units of affordable housing in the historic church and former nursery school building at the corner of Westminster and Lowell Streets.

The project will begin construction this summer.

The architectural construction documents are completed. The project has been permitted, is now well-received by the neighborhood, and has had historic review.



The HCA will be working with the Somerville Homeless Coalition to provide services for the occupants of the building.

The initial CPAC vote was 8 to 0 in the affirmative.

Old Burying Ground / Mt. Pleasant Cemetery

Sponsor: Town of Arlington | **Category:** Historic Preservation | **Recommended funding:** \$64,920

This is a study to produce a comprehensive preservation plan for the Old Burying Ground (OBG) on Pleasant Street, and to survey the condition of historic tombs in Mt. Pleasant Cemetery for preservation planning and structural stability.

Both cemeteries are on the National Register of Historic Places. The OBG, which contains the remains of Jason Russell and 11 other patriots who died at the Battle of Menotomy in 1775, suffers from decades of deferred maintenance. There are dangerous items in need of near-future repair, like the retaining wall between the Old Burying Ground and the adjacent nursery school. The historic tombs in need of preservation at Mt. Pleasant cemetery are for the extended Locke family.

This is the first stage of work to produce a phased plan for restoration and repair. The project team will consist of an historic landscape architect, a structural engineer, an historic stone restorer who was the writer of the initial Old Burying Ground report, and an arborist.

Three groups will oversee the work: the Arlington Cemetery Commission, Arlington Historical commission, and the Town Manager's office (via Asst. Town Manager Jim Feeney). They will collaboratively ensure that the work is done carefully and to historic preservation standards.



The initial CPAC vote was 8 to 0 in the affirmative.

Robbins Town Garden Water Features

Sponsor: Town of Arlington | **Category:** Historic Preservation | **Recommended funding:** \$643,213

The restoration of the reflecting pool and fountain in the Town Garden has been in the Capital Plan for some years, and was proposed to the CPAC this year by the Friends of the Robbins Town Hall Garden and the Historical Commission.

The reflecting pool is one of the central character-defining features of this historic landscape designed by the Olmsted Brothers' firm in the 1930s. Today, it is a spot that the Town uses for wedding and ceremonies that bring in revenue to the Town. Annual maintenance of the reflecting pool will be paid for by a portion of these revenues.



The project team will consist of an engineering firm that has done similar complex public pool restorations, and a landscape historian who specializes in the Olmsteds' work. The work will restore the pool to its former glory and ensure that the fountain mechanicals are in good working order. The work will be overseen by Jim Feeney, Assistant Town Manager.

The initial CPAC vote was 8 to 0 in the affirmative.

Update Historic Resources Inventory

Sponsor: Town of Arlington | **Category:** Historic Preservation | **Recommended funding:** \$115,000

To successfully preserve and enhance Arlington's historic heritage, there must first be an accurate record of the town's historic resources. As called for in the recent Master Plan, this project would update the town's *Inventory of Historically or Architecturally Significant Properties*. The inventory, a much-needed reference for town officials, residents and community groups, is currently out of date, incomplete, and in some cases inconsistent with state records.

The Planning Department will manage the work and work with the Historical Commission and the Robbins Library to update the town records. A historic consultant will assist the Department of Planning and Community Development on this project.



An important part of the study is an historic structures report for the older part of the high school. This study will look at the older portion of the High School building and will establish baseline information that can be used in the feasibility study for rebuilding the High School. If the older portion of the High School is kept in the new plans, that portion of the work would qualify for CPA funding. *The initial CPAC vote was 8 to 0 in the affirmative.*

Spy Pond Edge & Erosion Protection II

Sponsor: Town of Arlington | **Category:** Open Space | **Recommended funding:** \$552,900

This is the second phase of a project that was funded as a study by CPA last year. The first year's work was successful, and resulted in this Phase II project for bid documents and construction to preserve four town-owned parcels of failed shoreline along Spy Pond.

The edge conditions for the publicly owned portions of the Spy Pond shoreline have been documented and now will be specifically protected under this work.

Specific goals include: Preserving, stabilizing & strengthening the pond's banks; controlling bank erosion; controlling access to prevent unauthorized paths; and promoting stormwater infiltration. Chester Engineering will continue their work in this phase.



Once again, the community support for the project is strong. This project will be similar in some ways to the Arlington Reservoir Master Plan and Survey, and the two Commissions (Conservation and Park & Recreation) have committed to work together and learn from both projects.

The initial CPAC vote was 8 to 0 in the affirmative

Whittemore Park Revitalization Study

Sponsor: Town of Arlington (Planning & Community Development)

Categories: Historic Preservation & Open Space | **Recommended funding:** \$50,000 (tentative)

This project will plan for the revitalization of the Town's Common next to the Dallin Museum. Currently the space is too dark and is not well used. There are too many signs, and the railings and the pathways need attention.

Some initial ideas for improving the space came from the overall MassDOT work for the Massachusetts Avenue traffic work in this area, but this study will step back and look at the space for ideas to make it more welcoming.

The park is on the National Register for Historic Places so this project is an historic preservation/open space project.

The Planning and Community Development department has asked for partial funding for the cost of this study; they will also contribute some of their own budget.

The initial CPAC vote was 5 to 0 in the affirmative.



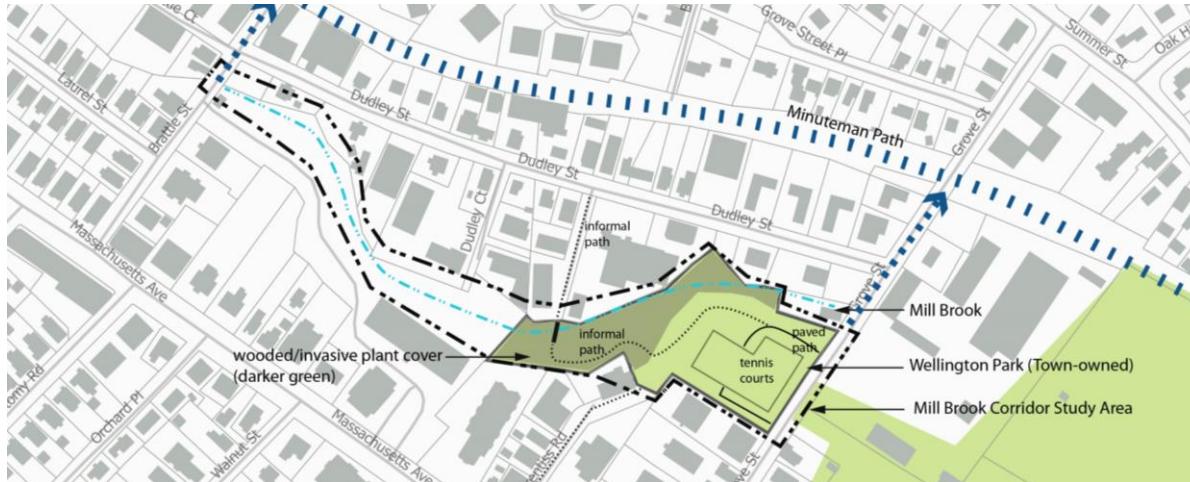
Mill Brook Linear Park Pilot Study

Sponsor: Mystic River Watershed Association | **Categories:** Recreation & Open Space
Recommended funding: \$56,783

The Mystic River Watershed Association has put forward this pilot study to follow up on the recommendations of the recent Master Plan, and of the Mill Brook Study of several years ago.

This initial study will be to see if there can be a linear pathway along the brook with a possible connection over the existing bridge into the condo association's land. The land is partially owned by the Town and partially owned by a condo association.

The MyRWA will also continue their testing of the water in the Mill Brook and will publicize their results so that the public knows more about the water quality in the Brook.



The initial CPAC vote was 8 to 0 in the affirmative.

Arlington Reservoir Master Plan & Survey

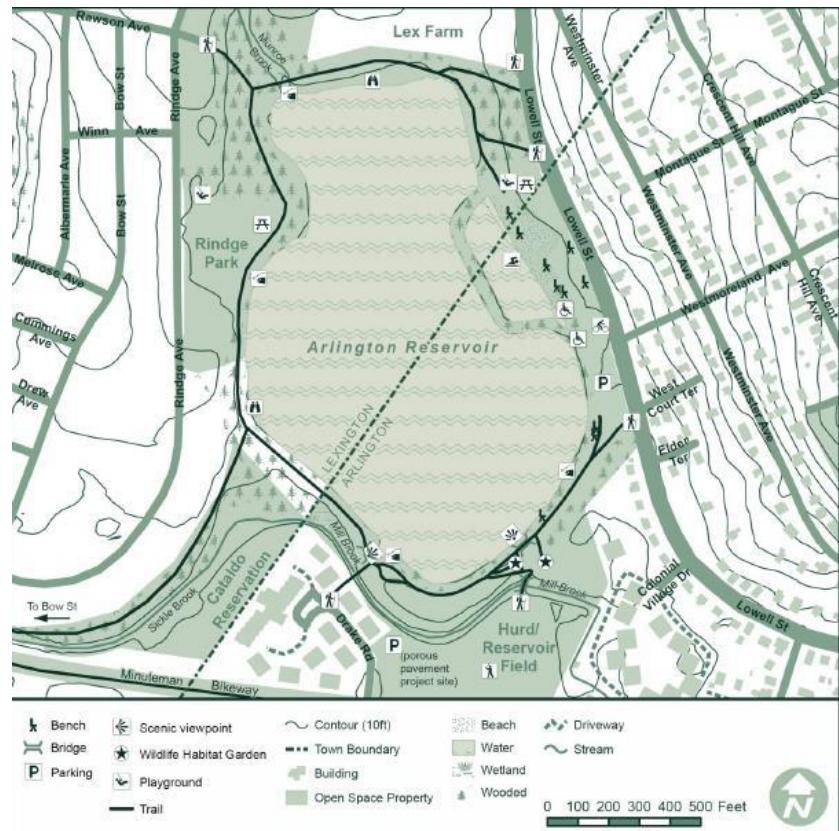
Sponsors: Park & Recreation Commission / Conservation Commission

Recommended funding: \$100,000 | **Categories:** Recreation and Open Space

This proposal for a master plan, ecological assessment and land survey for the Arlington Reservoir was prepared in consultation with the Conservation Commission. This project has long been on the Capital Plan. The Reservoir is an important Open Space asset for the Town that is loved not only by the young swimmers every summer, but year-round by walkers, runners and bird watchers.

An important part of this study is the survey work. There has long been confusion about the Town boundaries for this property, and this survey will address that. There is an excellent consultant team of engineers and ecologists who will look at the Reservoir and come up with a phased plan for its improvement.

The initial CPAC vote on this project was 8 to 0 in the affirmative



Administrative Expenses Reserve

- **CPAC can ask Town Meeting** to reserve up to 5% of estimated revenues (\$77,582 for FY18) for administrative and operating costs of the CPA Committee
- **Unspent balance** is returned to undesignated local CPA fund at end of fiscal year.
- **Covers 20% of two staff positions in Town Manager's office** to administer the CPA program (including CPA project oversight) and provide administrative support to CPAC.
- **Covers any incoming CPA projects with a heavy burden** of due diligence or administrative oversight, using CPA vs. general town funds.
- **Protects the general town budget** from CPA Committee expenses wherever possible (within CPA law).



Town of Arlington, Massachusetts

NEW BUSINESS



Town of Arlington, Massachusetts

EXECUTIVE SESSION



Town of Arlington, Massachusetts

Next Scheduled Meeting of BoS March 27, 2017.